

CITY COUNCIL MINUTES

City of Hillsdale
 August 21, 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
--------------------------	--

Council Members absent:	None
-------------------------	------

Also present were: City Manager David Mackie, City Clerk Stephen M. French, City Attorney John Lovinger, Bonnie Tew (Finance), Kay Freese (HR), Scott Hephner (HCPD & HCFD), Jake Hammel (DPS), Mike Barber (BPU), Chris McArthur (BPU), Corey Murray (Hillsdale Daily News), Mr. Paul Beckhusen (MSCPA), Joseph Hendee, Dennis Wainscott, Penny Swan, Ray Briner, Jeff Kunkel, Tom Defer, and Ted Jansen.

Approval of Agenda

Council Member Flannery, seconded by Council Member Watkins, moved to approve the August 21, 2017 agenda as presented. By a voice vote, the motion carried unanimously.

Public Comment

Mr. Joseph Hendee, 188 Rea Street, read a letter that discussed the labeling of citizens who monitor the City Council as “trouble-makers.” Mr. Hendee objected to the letters and visits from the police department regarding the appropriate placement of an election sign on his property. Mr. Hendee then argued against the city’s Social Media Policy, which he claimed was adopted over public objections.

Mr. Dennis Wainscott, 34 Garden Street, discussed the positive responses to medical marijuana that certain patients with glaucoma or persons with certain psychological problems have exhibited. Mr. Wainscott also noted the inclusion of medical marijuana businesses within the City of Hillsdale would provide much needed jobs and tax revenue to the local area.

Ms. Penny Swan, 192 S. West Street, discussed the proper placement of election signs and stated the city’s ordinances were vague regarding the right-of-way measurements. Ms. Swan also objected to the city’s Social Media Policy and argued some members of the city staff were consistently in violation of the current policy.

Mr. Ted Jansen, 104 Hillsdale, voiced support for the use of medical marijuana and discussed the many positive results from using the product, especially pain management. Mr. Jansen also highlighted the tax revenue and job creation that the industry would provide for the city.

Mr. Thomas Defer, 245 Mechanic, also discussed the positive results of medical marijuana and discussed the advantages of using marijuana for pain management, rather than prescription opioids.

Consent Agenda

- A. Approval of Bills
 - 1. City Claims of August 10, 2017: \$562,412.38
 - 2. BPU Claims of August 10, 2017: \$191,795.89
 - 3. Payroll of August 10, 2017: \$160,501.22
- B. City Council Meeting Minutes of August 7, 2017
- C. EDC Minutes of June 15, 2017 and July 24, 2017
- D. Agreement for Use of Mrs. Stock's Park – Mr. Kyle Hart
- E. Agreement for Use of Owen Memorial Park – Indiana Outboard Races

Council Member Bell, seconded by Council Member Watkins, 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

- A. Certificate of Appreciation to Ms. Melaney Wells

Chief Hephner presented a Certificate of Appreciation to Ms. Melany Wells for her actions in reporting a structure fire on North West Street on July 19, 2017. Chief Hephner reported Ms. Wells not only called 9-1-1 to report the fire, but ran to the front door of the home to alert the occupants of the fire. Chief Hephner stated the actions of Ms. Wells saved lives and allowed the fire department to contain the fire to the single residence.

- B. Michigan South Central Power Agency Integrated Resource Plan

Mr. Paul Beckhusen, Chairman of the MSCPA, presented the agency's "Integrated Resource Plan" and the 2017 Power Supply Study authored by nFront Consulting. Mr. Beckhusen discussed the change to the MSCPA's generation resource mix due to the requirements of Public Act 341 and the closure of the Endicott Plant in Litchfield.

Mr. Beckhusen presented the projected capacity needs of MSCPA in future years and offered a variety of solutions to meet those needs. Mr. Beckhusen reported studies had been completed which estimated the costs associated of generating capacity through ownership of equipment versus obtaining capacity through Purchase Power Agreements (PPAs).

- C. Correspondence from Hillsdale County Clerk re: Election Equipment

The correspondence was received by Council for informational purposes only.

D. Correspondence from Comcast re: Cable Television changes

The correspondence was received by Council for informational purposes only.

E. Correspondence re: Placement of Political Signs

Chief Hephner indicated city staff had distributed correspondence regarding the proper placement of political signs, after a complaint was received and multiple questions had been raised. Chief Hephner stressed the goals of the city were to have reasonable compliance with the issue and to educate property owners on the subject, not to force compliance through strong-armed tactics and by issuing infraction tickets.

Responding to a request from Council Member Stockford, Chief Hephner stated the department could communicate with the candidate, in addition to the property owners, when a political sign had been improperly placed.

Council Member Zeiser commended Chief Hephner and city staff on their approach to educate the public on the subject and to use civil violation tickets only as a last resort.

Introduction and Adoption of Ordinance/Public Hearing

There were no ordinances or public hearings on the agenda.

Unfinished Business

There were no "Unfinished Business" items on the agenda.

Old Business

A. Discussion of City of Hillsdale's Social Media Policy

Council Member Zeiser recommended the city's social media policy be reviewed by Council for any necessary revisions. Council Member Zeiser noted the current wording of the policy was much too broad and many, current uses of social media by elected officials could be construed as being in violation of the policy. Council Member Zeiser questioned if the policy should include the city's elected officials, as the only real discipline against a Council Member involved either a recall election or removal by the governor.

Council Member Watkins noted the policy had developed from discussions held with the Communications Committee, which had since been disbanded. Council Member Watkins encouraged the new policy to include verbiage similar to "elected officials should aspire to meet the standards" instead of requiring compliance of those who are elected. Council Member Watkins stated the current policy as written, may give the impression that an elected official could be disciplined or removed from office if they were to violate the policy.

Council Member Bell questioned if the elected Council Members were considered "employees" of the city. Attorney Lovinger stated he would research this issue and return an answer to Council.

City Attorney Lovinger encouraged the City Council to maintain the existing policy until an amended policy could be presented to Council for approval. Attorney Lovinger also warned against city officials and Council Members from commenting on social media posts that referenced active litigation claims involving the city.

Council Member Watkins, seconded by Council Member Sharp, moved to refer the review of the city's Social Media Policy to the Operations and Governance Committee. By a voice vote, the motion carried unanimously.

B. Discussion of Regulating Medical Marijuana Facilities within the City of Hillsdale

City Manager Mackie noted six Council Members had attended an educational sessions provided by the Michigan State University Extension Office on August 16, 2017 entitled, "Regulating Medical Marijuana Facilities: A Workshop for Local Government."

Council Member Flannery discussed the information that was presented at the class and noted there would be revenue generated by this program, through direct tax proceeds or by additional employment opportunities. Council Member Flannery stated that although the state-wide estimate of gross revenue from the industry had been set at \$711.0 million, the disbursement of that revenue to local units of government could be quite limited based on the number of permits approved throughout the state.

Council Member Flannery recommended the City Council choose to "opt-out" of the medical marijuana program in Michigan, which would allow city staff to inform potential investors of the city's position on the subject. Council Member Flannery also noted the use of marijuana was in violation of federal law, which Council Members were sworn to uphold in their oath of office. Council Member Flannery noted Council Members could choose to "opt-in" to the state program at a later date, if so desired.

Council Member Sharp stated there were advantages and disadvantages to the program, especially when comments were offered regarding the improvements made to patients who have used the drug. Council Member Sharp finalized his comments by supporting the recommendation offered by Council Member Flannery.

City Manager Mackie recommended Council place the topic on a future Council agenda for discussion, as staff had developed a model ordinance as a reference guide.

City Attorney Lovinger encouraged the Council first present the model ordinance to the Planning Commission prior to being placed on a Council agenda.

Council Member Morrissey recommended Council Members first determine if they wished to "opt-out" prior to having the Planning Commission review the model ordinance. Council Member Morrissey stated it would be a waste of time to have the Planning Commission review a model ordinance, only to have the Council choose to "opt-out" of the program.

Council Member Watkins noted there was a lot of information that had been disseminated on the subject and questioned if a public hearing should be held to receive comments on the topic. Council Member Watkins asked if the information given out at the educational session could be included in the next Council packet to share the information with the public.

Council Member Flannery, seconded by Council Member Watkins, moved to schedule a public hearing to for residents to appear and be heard on the determination of City Council to either: (1) "Opt-In"; (2) "Opt-Out"; or (3) take no action, on the State of Michigan's Medical Marijuana Program. It was also moved that there would specifically not be any decision made by City Council in regards to the subject at the meeting. By a voice vote, the motion carried unanimously.

New Business

A. Resolution 3318: Approving an Application for a Neighborhood Enterprise Zone (NEZ) Rehabilitated Certificate for David Roberts Located at 88 North West Street

City Manager Mackie reported the application would freeze the taxable value of the residence at \$19,400 during the first seven years of the program and would gradually increase the value during years 8-10. City Manager Mackie stated the NEZ would save the property owner approximately \$15,000 in property taxes over the 10-year program.

Council Member Watkins recommended approval of the application and stated the planned improvements to the home were welcomed in the city. Council Member Watkins hoped the NEZ would spur improvements to more homes within the district.

Council Member Bell and Council Member Flannery both voiced support for the NEZ program, which was used to support property owners with home repairs and improvements in the North West Street area.

Council Member Stockford questioned if the city could use the NEZ program as an economic incentive to promote annexation of adjoining properties into the city. City Attorney Lovinger reported he would look into this issue and report back to Council.

Council Member Bell, seconded by Council Member Watkins, moved to adopt Resolution 3318: "Approving an Application for a Neighborhood Enterprise Zone (NEZ) Rehabilitated Certificate for David Roberts Located at 88 North West Street."

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. Acceptance of the MERS Valuation Report of Financial Impact

City Manager Mackie reported a MERS valuation report was required when changes had been authorized to any retirement programs. City Manager Mackie stated the report confirmed the savings that had been expected by the City of Hillsdale when employee contributions were increased and salary-determination limits had been approved.

Council Member Bell, seconded by Council Member Flannery, moved to accept the MERS Valuation Report of Financial Impact 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.

XI. Miscellaneous Reports

City Manager's Report

City Manager Mackie:

1. Reported the new fire truck had been delivered to the city and would be placed in service in the near future.
2. Announced the Airport Advisory Committee had two vacancies and encouraged interested individuals to apply for those positions.

DPS Director Hammel presented information on the 2017 Goose Hunt that had been discussed at the last Council meeting. Mr. Hammel stated the city would authorize a total of 16 hunters, using 8 hunting zones around Baw Beese Lake and the Waterworks Park system, to hunt from 7:00 a.m. until 11:00 a.m. Monday through Friday, from September 15-30, 2017. Mr. Hammel stated city staff would close the park and restrict access for the area during the prescribed hunting hours.

Council Member Sharp requested an update on the Garden-Vine-Mead-Rippon infrastructure project. City Manager Mackie stated the state's announcement of the grant awards was scheduled for September and a media release would be made by city staff once confirmation was received.

General Public Comment

Mr. Thomas Defer, 245 Mechanic, encouraged the City Council to work with property owners who wished to participate in the state's Medical Marijuana program. Mr. Defer stated that he had purchased property on Mechanic Street two years ago in hopes of beginning a medical marijuana business once the state had established the necessary program guidelines.

Mr. Jack McLain questioned the by-laws of the Planning Commission that required a two-thirds, super majority approval for a plan or amendment to a plan. Mr. McLain also questioned Chapter 6 of the City Code of Ordinances which discussed the occurrences when Council Members could not vote on an issue due to a conflict-of-interests.

Mr. Robert Ickler discussed the issue of medical marijuana and the immense amount of control that the State of Michigan has over the regulation and oversight of the industry. Mr. Icker noted the opiate epidemic that has overtaken the country and the fault of hospitals and doctors in helping create the dependency on opioid drugs.

Mr. Andre Watson, 245 Mechanic, encouraged Council Members to keep their minds open about the issue of medical marijuana and noted the new state guidelines called for harsh penalties for anyone convicted of violating provisions of the medical marijuana laws.

Mr. Joseph Hendee noted many temporary signs remained within the city rights-of-way and claimed city staff had only concentrated on political signs. Mr. Hendee also stated the letter he received indicated a temporary sign violation was a misdemeanor punishment, instead of a civil violation as reported by Chief Hephner.

Mr. Ted Jansen, 104 Hillsdale, voiced support for the new rules for medical marijuana and discussed the issue of state's rights when it came to the claim that the possession of marijuana remained a federal crime. Mr. Jansen also stated he would provide an update regarding improvements to Cold Springs Park at the next Council meeting.

Mr. Ickler encouraged the City Council to hold a special meeting to receive citizen comments regarding the medical marijuana industry.

Mr. Jason Walters of Patriot Aviation announced his intention to resign as the city's Airport Manager due to negative comments and accusations posted on social media sites. Mr. Walters discussed the extreme amount of negativity throughout the community that severely impacted the operation of his businesses. Mr. Walters thanked Council for the opportunity to serve the public and commended Council Members for their support of Patriot Aviation and the airport.

Mr. McLain objected to the accumulation of trash at 42 Union Street and questioned why the trash containers were not properly screened with fencing, as what had been required by the applicant's site plan.

Mr. Glenn Frogel encouraged the City Council to adopt a Social Media Policy that was simple that worked well. Mr. Frogel also noted a goose hunt would not improve the park, as the geese would simply return to the park after the hunt is completed. Mr. Frogel discussed the medical marijuana issue and stated federal laws to legalize the drug would never occur due to the pressure placed on Congress by the large pharmaceutical companies. Mr. Frogel also thanked Council Member Sharp for his involvement in an issue that had been resolved on Market Street.

Mr. Jeff Kunkel applauded the outstanding leadership of Michelle Loren and the departmental employees for the excellent recreational activities that were organized within the city. Mr. Kunkel also commended City Council for the outstanding park facilities that were found throughout the city.

Council Comments

Council Member Flannery thanked Jason Walters for his leadership at the Hillsdale Municipal Airport and voiced his disgust at what he been directed at Mr. Walters by many residents on social media. Mr. Walters stated the airport was in much better condition than when Mr. Walters took over leadership at the facility. Council Member Flannery apologized for the negativity and untruths that had been directed towards Mr. Walters during his tenure.

Council Member Sharp voiced sadness at the resignation of Mr. Walters and discussed how social media negativity had impacted the city.

Council Member Bell discussed the improvements that had been made at the airport by Mr. Walters and noted the comments made on social media were shameful and non-sense. Council Member Bell also discussed the Organization and Governance Committee meeting that was held earlier in the evening and stressed the direction of Council at the June 5, 2017 meeting was to have the committee discuss only a one-time bonus payment to the City Manager, and specifically not review a 5% wage increase that had been denied by Council.

Council Member Zeiser thanked Mr. Walters for many improvements that had been made at the airport. Council Member Zeiser argued residents should not use the law as a weapon but encouraged everyone to work at issues that would improve the city, instead of trying to tear the city apart.

Council Member Watkins stated that great improvements had been made at the airport during Mr. Walters leadership and discussed how unfortunate it was for Mr. Walters to resign as Airport Director. Council Member Watkins stated the treatment of, and subsequent resignation of Mr. Walters, was an embarrassment to the community.

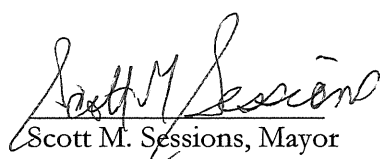
Council Member Morrissey noted the negative comments made against Mr. Walters were poison-ness and warned residents about issuing comments that may have been seen as libel.

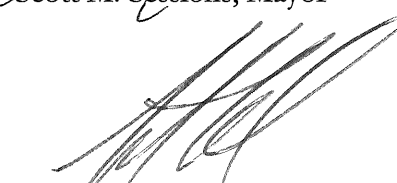
Mayor Sessions thanked Mr. Walters for his many, positive contributions to the City of Hillsdale and to the municipal airport.

Adjournment

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

The meeting adjourned at 9:42 p.m.


Scott M. Sessions, Mayor


Stephen M. French, City Clerk