

CITY COUNCIL MINUTES

City of Hillsdale
 October 2, 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 Patrick Flannery, Ward 4
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Council Members absent:	Matthew Bell, Ward 4
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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), Kay Freese (HR), Scott Hephner (HCPD & HCFD), Mark Hawkins (HCFD), Jake Hammel (DPS), Mary Hill (Library), Mike Barber (BPU), Chris McArthur (BPU), Corey Murray (Hillsdale Daily News), Nic Rowan (Hillsdale Collegian), Ray Briner, Don Hernandez, Richard Smith, Karla Adams, Luke Wheeler, Ted Jansen, Dennis Wainscott, and Penny Swan.

Approval of Agenda

Council Member Watkins, seconded by Council Member Zeiser, moved to approve the October 2, 2017 agenda as presented. By a voice vote, the motion carried unanimously.

Public Comment

Mr. Ted Jansen, 104 Hillsdale Street, requested a moment of silence for the victims of the mass shooting that occurred in Las Vegas, Nevada on October 1, 2017. Mr. Jansen discussed the city's receipt of the ICE Grant and commended staff for obtaining this vital funding to assist with road and infrastructure improvements. Mr. Jansen finalized his comments by encouraging the city to include the "business directory" option that had been included in the proposed website contract.

Ms. Penny Swan, 192 South West Street, requested additional information on the status update that was included in the meeting packet concerning the Townley lawsuit, specifically if the update had been provided by the court or if the document had been filed with the court. Ms. Swan also discussed the new website proposal and encouraged Council not to accept the highest bid quote that was over \$75,000.

Mr. Jack McLain, 1440 Bunn Road, discussed that men were also victims of breast cancer and noted his family had been impacted by the disease. Mr. McLain encouraged city staff to closely monitor the new website and to include timely and accurate information on the site.

Mr. Dennis Wainscott, 34 Garden Street, also discussed the impact of breast cancer on men and encouraged everyone, male and female, to take preventative care for the disease.

Consent Agenda

- A. Approval of Bills
 - 1. City Claims of September 22, 2017: \$60,786.72
 - 2. BPU Claims of September 8, 2017: \$61,043.94
 - 3. Payroll of September 21, 2017: \$162,669.38.
- B. City Council Minutes
 - 1. September 5, 2017 Regular Meeting
 - 2. September 18, 2017 Regular Meeting
- C. 2017 S.O.A.R. Agreement with Hillsdale College

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

Roll call:	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 8-0.

Communications/Petitions

- A. Proclamation - National Metastatic Breast Cancer Awareness Day

Mayor Sessions proclaimed October 13, 2017 as "Metastatic Breast Cancer Awareness Day" in the City of Hillsdale.

- B. 2017 State of the City

City Manager Mackie presented the 2017 "State of City" and highlighted the many projects and accomplishments that had recently occurred throughout the city. A copy of City Manager Mackie's Power Point presentation was filed with the City Council papers for the meeting.

City Manager Mackie reviewed the improvements made to the city's General Fund, which included spending reductions and revenue increases, which led to an increased fund balance. City Manager Mackie noted the General Fund expenditures for FY2018 were budgeted at \$4.43 million, while the fund balance remained at nearly 25% of annual expenditures. City Manager Mackie also reviewed the city's debt obligations that totaled \$10.2 million and was heavily concentrated on the on-going capital improvements at the BPU's Wastewater Treatment Facility.

City Manager Mackie highlighted the 46 new business that had relocated or expanded in the City of Hillsdale within the past five years. City Manager Mackie noted how the approval of Commercial Rehabilitation Certificates (CRE's), Obsolete Property Rehabilitation Exemption Certificates (OPRA's), and Industrial Facilities Tax Exemption Certificates (IFT's) had allowed the city to increase the number of jobs in Hillsdale.

City Manager Mackie reviewed each of the city's departments and discussed the improvements to services that had been initiated in each office. City Manager Mackie also presented the communication avenues that the city had implemented to educate the residents on the positive changes that had been implemented in the city throughout the past few years.

Introduction and Adoption of Ordinance/Public Hearing

There were no ordinances or public hearings scheduled for the meeting.

Unfinished Business

There were no unfinished business on the meeting agenda.

Old Business

A. Resolution #3321 “Resolution Regarding the Medical Marihuana Facilities Licensing Act”

Council Member Flannery, seconded by Council Member Sharp, moved to adopt Resolution #3321 “Resolution Regarding the Medical Marihuana Facilities Licensing Act” as presented.

Roll call:	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 8-0.

B. Settlement re: Townley v City Council for the City of Hillsdale, Hillsdale Board of Public Utilities et al.

City Manager Mackie reported the communication placed in the City Council packet was a status update provided by Attorney Aubrey Forbush from Plunkett & Cooney, and was not an official press release or court-submitted document. City Manager Mackie noted the decision to settle the claim was made by the city’s insurance carrier, and the city’s monetary liability was limited to \$10,000. City Manager Mackie stressed the discovery phase of the lawsuit had revealed no evidence that supported Ms. Townley’s claims that “millions of dollars” had been embezzled from the BPU. City Manager Mackie stated the administration continued to review financial oversight and auditing procedures throughout the city to address any deficiencies and to limit liability in addressing any future claims.

City Attorney Lovinger reported the city had contracted with Plante Moran in August 2016 to investigate financial transactions at the BPU to determine if any types of embezzlement had occurred at the utility. Mr. Lovinger stated part of the investigation included the review of all charges made by Director Barber using the BPU-issued credit card. City Attorney Lovinger reported all of the charges were found to have been consistent with the city’s purchasing guidelines and were proper expenditures for such items as a professional membership fee, a small equipment purchase at Tractor Supply, and the like. Mr. Lovinger noted that Director Barber had made less than 10 total charges on the BPU credit card during his 30+ years of service in the utility and there was absolutely no evidence that Director Barber used the BPU credit card for lavish vacations, as was alleged by Ms. Townley.

City Attorney Lovinger reported that after a thorough review, a number of credit card charges made by previous BPU employees did seem inappropriate or fraudulent, and those issues were brought to the attention of the Michigan State Police. Attorney Lovinger reported the criminal case initiated by the State Police was nearing completion and any warrant requests would be presented to the County Prosecutor or State Attorney General. City Attorney Lovinger noted the questionable credit card transactions totaled less than \$30,000 and no wide-spread corruption or embezzlement had been discovered. City Attorney Lovinger stated the city has initiated much tighter controls following the Plante Moran audit, which included the combined, financial oversight of the city and BPU under City Manager Mackie’s direction.

City Attorney Lovinger stated the settlement was not an admission of guilt by the City or the BPU, but was made by the insurance carrier based on an economic analysis. City Attorney Lovinger stated the insurance company would have reviewed the expert witnesses and attorney costs associated with a trial, which may have exceeded an additional \$30-\$40,000.

C. ICE Grant Award

City Manager Mackie announced the receipt of a \$1.9 million grant award for the Infrastructure Capacity Enhancement (ICE) grant for the Garden-Mead-Vine-Rippon Street project scheduled to begin in early spring 2018. City Manager Mackie commended all of the city staff members who had participated in completing the application and helping throughout the grant process.

New Business

A. Set Public Hearing – OPRA Exemption Certificate – 115 E Carleton Road

Council Member Flannery, seconded by Council Member Watkins, moved to schedule a public hearing for October 16, 2017 to receive public comments regarding an OPRA Exemption Certificate application that had been submitted for a project located at 115 E Carleton Road. By a voice vote, the motion carried unanimously.

B. TCO 2017-54: One Way designation for Alley (Permanent TCO)

Chief Hephner reviewed the need to implement a one-way traffic restriction for the alleyway near the new Center City Apartments. Chief Hephner stated the one-way traffic was necessary as the new, paved alley would not have adequate room to allow two vehicles to pass going in opposite directions.

Council Member Watkins, seconded by Council Member Dixon, moved to approve Traffic Control Order 2017-54 as presented.

Roll call:	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 8-0.

C. TCO 2017-55: TCO 2017-55: Parking on Waldron Street

Chief Hephner reviewed the staff recommendation to limit parking on Waldron Street near the new alleyway to allow larger vehicles, such as fire trucks and utility vehicles, to navigate the turn from the alleyway onto Waldron Street. Chief Hephner stated the change would still allow adequate parking on Waldron Street for the residences that fronted the roadway.

Council Member Morrissey, seconded by Council Member Zeiser, moved to approve Traffic Control Order 2017-55 as presented.

Roll call:	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 8-0.

D. Transfer of Ownership – Fire Safety House

Chief Hephner reported the city's Fire Safety House had been given to the Hillsdale County Firefighter's Association in the beginning of 2015; however, this transfer of ownership was never formally approved by Council. Chief Hephner stated that because the trailer was purchased with FEMA and Community Foundation grant funds, a formal transfer of ownership was necessary. Chief Hephner stated the transfer would allow all the departments in Hillsdale County to use the trailer for fire safety education activities.

Council Member Sharp voiced support for the recommendation and noted the equipment was a great tool to use for fire safety education. Chief Hephner noted the association had begun needed repairs to the trailer, which was being stored indoors to help with maintaining the equipment.

Council Member Watkins, seconded by Council Member Sharp, moved to approve the transfer of ownership of the 2003 Fire Safety House from the City of Hillsdale to the Hillsdale County Firefighters Association.

Roll call:	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 8-0.

E. Concrete/Asphalt Crushing Contract with Kalin Construction Company, Inc.

Council Member Watkins, seconded by Council Member Dixon, moved to approve a concrete/asphalt crushing contract with Kalin Construction Company, Inc. at a price of \$5.80 per ton.

Roll call:	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 8-0.

F. Redesign Contract for a new City & BPU Website

City Manager Mackie presented a staff recommendation to approve a contract with Aha Consulting in the amount of \$12,000 for the construction and design of a new City of Hillsdale and BPU website. City Manager Mackie stated the city had received 11 responses and a team of five city employees had reviewed each of those proposals and recommended Aha Consulting for the project. City Manager Mackie noted the new website would be much more vibrant and could be used via mobile device, tablet, or desktop computer.

Council Member Watkins, seconded by Council Member Flannery, moved to approve a contract with Aha Consulting at a cost of \$12,000 for the construction and design of a new city & BPU website.

Roll call:	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 8-0.

XI. Miscellaneous Reports

City Manager's Report

City Manager Mackie invited Chief Hephner to discuss the city's police and fire preparedness for mass casualty events, especially in light of the recent shooting in Las Vegas.

Chief Hephner reported both the police and fire departments continued to train for mass casualty and/or active shooter events, which included their attendance and participation at the area's Homeland Security conferences. Chief Hephner stated many training changes were implemented following the 1999 attack in Columbine, Colorado. Chief Hephner noted the other law enforcement agencies in the area trained collectively for these situations and had reciprocal agreements with those jurisdictions to collectively respond if such an event occurred. Chief Hephner stated the new aspects of mass casualty training involved the inclusion of emergency medical services and fire departments into the training scenarios.

Chief Hephner also reported the city's fire department personnel would also begin training the city's police officers to connect water supply lines and to extend attack lines, in case additional public safety personnel were needed at a structure fire.

Responding to a question from Council Member Flannery, Chief Hephner stated the department continued to work closely with the local schools with these training exercises, including the department's participation in lock-down and fire drills.

General Public Comment

Mr. Richard Smith, 63 South Broad Street, discussed on-going ordinance violations in the city and encouraged the city to increase fines and enforcement actions on the property owners who violated these rules.

Mr. Dennis Wainscott, 34 Garden Street, encouraged the city to postpone the fall leaf collection until there was cooler weather and more leaves had fallen.

DPS Director Hammel reported the department had begun the annual brush collection, while the leaf collection program would not begin for another three weeks. Mr. Hammel stated the city personnel would collect leaves in addition to the brush, during the first round of pickup.

Mr. Jack McLain discussed the City Council's decision to approve a rezoning ordinance at the previous Council meeting, even though the recommendation of the Planning Commission to hold a second public hearing for the proposed changes was not accepted. Mr. McLain argued the Zoning Administrator wrote the meeting minutes and would have been aware of the Planning Commission's recommendations, but had not included the request for a second public hearing in the staff report. Mr. McLain also noted a member of Council was a member of the Planning Commission and should have been aware of the committee's recommendation to hold a second public hearing.

Mr. Ted Jansen, 104 Hillsdale Street, discussed the need to replace the platform ladder truck at the Fire Department and encouraged the city to earmark the annual Comcast cable television franchise fees to fund this purchase. Mr. Jansen also discussed the numerous cultural activities and events that could be added to the city's new website.

Ms. Penny Swan stated that she had been contacted by a charter pilot from South Carolina who flew into the Hillsdale Municipal Airport and was unable to make contact with an airport representative to obtain assistance for a necessary mechanical repair. Ms. Swan stated this failure did not make the airport appear credible, especially during the Hillsdale College Homecoming events.

Council Comments

Council Member Sharp reported that Dr. Bediako was not closing his office, as was rumored. Council Member Sharp also noted the leaf collection schedule had been posted on the city's website and Facebook page for the public's information. Council Member Sharp encouraged users of the airport to contact a city employee or an Airport Advisory Committee member with any service concerns.

Council Member Stockford offered an apology to Mr. Lon King, based on a misunderstanding of comments made at the last Council meeting.

Council Member Zeiser commended City Manager Mackie for the receipt of the ICE grant for the Garden, Vine, Mead, and Rippon Street project. Council Member Zeiser also requested city staff remove two deer carcasses that had been found in Cold Springs Park.

Responding to a question from Council Member Sharp, DPS Director Hammel reported a total of 31 geese had been taken during the recent hunt.


Council Member Morrissey questioned how the city's local match of \$237,000 for the ICE grant would be funded. City Manager Mackie stated the match would be taken from a variety of sources, including the BPU and Public Services Departments. Council Member Morrissey stated the confusion regarding the status update in the Townley case could have been alleviated with a cover memo from city staff that provided more detail on Attorney Forbush's update.

Mayor Sessions thanked Finance Director Tew for her service and dedication to the city.

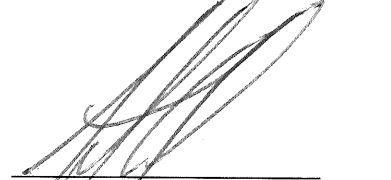
Adjournment

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

The meeting adjourned at 9:08 p.m.



Scott M. Sessions, Mayor



Stephen M. French, City Clerk