

**CITY COUNCIL MINUTES**

City of Hillsdale  
 City Council Chambers  
 November 6, 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 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:	Brian Watkins, Ward 1 Matthew Bell, Ward 4
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Also present were: City Manager David Mackie, City Clerk Stephen M. French, City Attorney John Lovinger, Scott Hephner (HCPD & HCFD), Mark Hawkins (HCFD), Jake Hammel (DPS), Mike Barber (BPU), Chris McArthur (BPU), Alan Beeker (Zoning), Mary Hill (Library), Corey Murray (Hillsdale Daily News), Nic Rowan (Hillsdale Collegian), Rod Bealt, Brett Boyd, Melissa Tacolla, Paul Marshall, Rod Scholfield, Rich and Robin Galloway, John Paradine, Debbie Myers-Lockwood, Terry Rummel, Mike Phillips, Jan Hutchins, Ruth Brown, Jane Stewart, Brian DuBois, CJ Toncray, Bill Walters, Larry Scholl, Matthew Baxter, Kelcey LeBlanc, Robert Berger, Russell Picek, Glen Ziegler, Wendy Playford, Craig and Laura Follett, Annette Frosch, Maria Bidney, Ron Scholl, Shannon Teller, Michael Mitchell, Ted Jansen, Dennis Wainscott, and Penny Swan.

**Council Member Excused**

Mayor Sessions reported Council Member Bell would not be at the meeting due to work obligations and Council Member Watkins would not be at the meeting due to a family obligation.

Council Member Morrissey, seconded by Council Member Flannery, moved to excuse the absence of Council Member Bell and Council Member Watkins from the meeting. By a voice vote, the motion passed unanimously.

**Approval of Agenda**

Council Member Flannery, seconded by Council Member Morrissey, moved to approve the November 6, 2017 agenda as presented. By a voice vote, the motion carried unanimously.

**Public Comment**

Mr. Jack McLain, 1445 Bunn Road, commended Council Member Stockford for abstaining on the motion to schedule a public hearing for the 425 Agreement with Fayette Township at the October 16, 2017 meeting, due to a conflict of interest. Mr. McLain stated all Council Members should abstain on any issues that involve their respective employers.

**Consent Agenda**

- A. Approval of Bills
  - 1. City Claims of October 20, 2017: \$84,996.12
  - 2. BPU Claims of October 20, 2017: \$111,000.05
  - 3. Payroll of October 19, 2017: \$160,238.07
- B. City Council Minutes of October 16, 2017 Regular Meeting
- C. Planning Commission Minutes of October 10, 2017
- D. Shade Tree Commission Minutes of October 11, 2017
- E. Economic Development Corporation Minutes of June 15, 2017 & October 19, 2017
- F. EDC – Business Review Committee Minutes of July 25, 2017 & October 3, 2017
- G. Finance Committee Minutes of:
  - 1. August 28, 2017
  - 2. September 11, 2017
  - 3. September 25, 2017
  - 4. October 9, 2017
  - 5. October 26, 2017
- H. Dawn Theater Governance Board Minutes of October 5, 2017
- I. Hillsdale Policy Group Progress Report – October 2017
- J. Code Enforcement Report – October 2017
- K. Quarterly Investment Report

Council Member Flannery, seconded by Council Member Morrissey, 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 Zeiser	Aye
	Mayor Sessions	Aye

Motion passed 7-0.

**Communications/Petitions**

- A. State of Michigan: Inflation Rate Multiplier and the Headlee Millage Reduction Fraction (MRF) formula
- B. Communication from Ms. Nola Wagner
- C. Marketing for Hillsdale Manufacturing & Technology Park
- D. “No Shave November” - Hillsdale Police Dept. Officer Ted Brendel
- E. City of Hillsdale Newsletter – December 2017

The communications were received by Council for informational purposes only.

Council Member Sharp noted the correspondence received from Ms. Wagner was not copied in its entirety and could not be read. City Manager Mackie stated Ms. Wagner had written to the city and expressed her support for the construction of a Meijer store in the Hillsdale area.

**Introduction and Adoption of Ordinance/Public Hearing**

- A. Public Hearing: Ordinance #2017-002: An Ordinance to Amend Section 36-143 of Division of Article III of Chapter 36 of the Code of the City of Hillsdale

City Manager Mackie reviewed the need for a second public hearing for Ordinance #2017-002, due to publication errors from the previous hearing. City Manager Mackie noted the recommended ordinance was identical to the ordinance previously adopted by Council at the September 18, 2017 meeting.

Ms. Jane Stuart, 106 North Broad Street and owner of Smith Flowers, objected to the 425 Agreement that would allow Meijer to construct a new store in Fayette Township and echoed many of the negative comments that had been raised about another “box-store” coming into the area.

Mr. CJ Toncray, 3884 Mechanic Street, discussed the negative effects of Meijer stores on small, family-owned businesses throughout the state.

Mr. John Paradine, 2770 Taylor Road, stated his property was near the proposed site and warned of the negative traffic and environmental impacts of the new store. Mr. Paradine stated the new construction of the Meijer store would not have a net-positive impact on the tax revenue and overall economy for the City of Hillsdale.

Mr. Ted Jansen, 104 Hillsdale Street, discussed the negative impact the new Meijer location would have on the businesses in the downtown area. Mr. Jansen discussed the many job opportunities that remain unfilled, even without the new Meijer store.

Being no further public comments, Mayor Sessions closed the public hearing at 7:32 p.m.

City Manager Mackie discussed the adage of “competition helps competition” and questioned if the City of Hillsdale really wanted new businesses within the city or not. City Manager Mackie stated that if the Council rejected the application of a Meijer store, it would send a message to other perspective business owners to stay away Hillsdale for business expansion. City Manager Mackie also discussed the additional economic development opportunities that would be realized once the Meijer store was constructed and open for business.

Council Member Sharp argued that many downtown Hillsdale stores did not close because of the Jonesville Wal-Mart store, but left based on other parameters. Council Member Sharp also noted Locey’s Jewelers in downtown Hillsdale was closing due to the owner’s retirement and not due to economic concerns.

Council Member Stockford reported he would abstain from voting on this issue, as Meijer stores had contracted with his employer for temporary staffing.

City Manager Mackie stated the 425 Agreement had been reviewed by the City Attorney and by Meijer Corporation. City Manager Mackie stated Fayette Township would receive 2-mil of tax revenue from the assessments of the new development.

Council Member Dixon asked if the city had reviewed any studies that reviewed the impact of large, retail stores on locally-owned businesses. City Manager Mackie stated the city had not received or reviewed any such reports.

Responding to a question from Council Member Dixon, City Manager Mackie stated there were alternative locations that Meijer could select to be within the Hillsdale-Jonesville area, although the exact location(s) of their alternate sites were unknown to city staff.

Mayor Sessions discussed the complexity of the request and stated he had received comments, both in favor and opposed, from constituents regarding the development. Mayor Sessions discussed the need for the city to prosper economically, while also supporting the area’s local businesses.

Council Member Zeiser moved to approve a 425 Agreement with Fayette Township as presented. The motion died as there was no support for the motion.

C. Ordinance #2017-003: An Ordinance to Replace Sections 36-271 through and Including 36-279 of Division 7 of Article III of Chapter 36 of the Code of the City of Hillsdale

Council Member Flannery, seconded by Council Member Morrissey, moved to adopt Ordinance #2017-003: An Ordinance to Replace Sections 36-271 through and including 36-279 of Division 7 of Article III of Chapter 36 of the Code of the City of Hillsdale

Roll call:	Council Member Dixon	Aye
	Council Member Flannery	Aye

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Mayor Sessions opened a public hearing at 7:08 p.m. to receive citizen comments regarding an Ordinance to Amend Section 36-143 of Division of Article III of Chapter 36 of the Code of the City of Hillsdale

Being no public comments, Mayor Sessions closed the public hearing at 7:09 p.m.

Council Member Morrissey, seconded by Council Member Flannery, moved to adopt Ordinance #2017-002: An Ordinance to Amend Section 36-143 of Division of Article III of Chapter 36 of the Code of the City of Hillsdale.

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

Motion passed 7-0.

B. Public Hearing: 425 Agreement with Fayette Township

Mayor Sessions opened a public hearing at 7:10 p.m. to receive citizen comments regarding a proposed 425 Agreement with Fayette Township.

Mr. Brett Boyd, 4400 Homer Road, Fayette Township and owner of the Hillsdale Market House discussed the negative impact of the construction of another large, retail, "box-store" in Hillsdale and the impact that a Meijer store would have on the unique, family-owned businesses in the area. Mr. Boyd highlighted the recent investments that had been made by small businesses in the City of Hillsdale and the commitment of those businesses to the area through donations and community event sponsorships.

Mr. Rich Galloway, 3496 S Edon Road, owner of Performance Automotive, stated the addition of a box-store and major retailer would force small businesses in the city to close and would have a devastating effect on the employees and their families.

Ms. Debbie Myers-Lockwood, 4 E. Bacon Street, voiced support for the 425 Agreement and stated the Meijer store would be a benefit to the entire community and would be a great utility customer to the city's BPU.

Ms. Sandra George, 4355 Homer Road, voiced displeasure at the secrecy of the Meijer proposal, as the newspaper had recently published an article that indicated Meijer was not interested in a Hillsdale location. Ms. George objected to a Meijer store and stated many people would lose their jobs if Meijer came into Hillsdale.

Mr. Terry Rummel, 44 N. Howell Street, owner of Current Office Supply, stated the construction of a Meijer store into the Hillsdale area would hurt the local economy. Mr. Rummel also reported the large retail stores did not support programs in local communities like small business owners in Hillsdale had always done.

Ms. Annette Frosch, 1671 Bankers Road and CEO of Nash Drugs, stated the health care industry had weathered the storm when Wal-Mart and Walgreens had come into the area; however, there had been many, economic changes in the health care field and the inclusion of a Meijer store would have a serious impact on the locally-owned pharmacies in the area.

Mr. Jack McLain, 1445 Bunn Road, argued the proposed 425 Agreement should be extended to stay in effect for fifty (50) years, rather than the proposed thirty (30) years.

Mr. Kevin Conant, 1540 Bridge Road and owner of Here's to You Pub 'n Grub Restaurant, voiced objection to the proposed Meijer store and noted the great, individual service and expertise provided at the locally-owned businesses in the area.

**Unfinished Business**

There were no unfinished business items on the meeting agenda.

**Old Business**

- A. Set a Public Hearing for November 20, 2017 regarding the Community Development Block Grant (CDBG) for Blight Elimination at 42 Union Street

Council Member Dixon, seconded by Council Member Stockford, moved to schedule a public hearing on November 20, 2017 regarding the close-out for the Community Development Block Grant (CDBG) for blight elimination at 42 Union Street. By a voice vote, the motion passed unanimously.

**New Business**

- A. TCO 2017-75: No Parking on the west side of Summit Street

Chief Hephner reviewed the recommendation for parking restrictions on Summit Street that had been requested by area residents who voiced concerns with traffic safety and visibility issues. Chief Hephner stated that permitted parking on the east side of Summit Street would allow greater access to the mailboxes on the west side of the street.

Council Member Dixon, seconded by Council Member Flannery, moved to approve TCO 2017-75: No Parking on the west side of Summit Street.

Roll call:	Council Member Dixon	Aye
	Council Member Flannery	Aye
	Council Member Morrisey	Aye
	Council Member Sharp	Aye
	Council Member Stockford	Aye
	Council Member Zeiser	Aye
	Mayor Sessions	Aye

Motion passed 7-0.

**XI. Miscellaneous Reports**

Council Member Flannery, seconded by Council Member Dixon, moved to appoint Mr. Jeffrey Rogers to the Zoning Board of Appeals and Mr. Ronald Scholl to the Planning Commission. By a voice vote, the motion passed unanimously.

**City Manager's Report**

City Manager Mackie reported:

1. Election Day was scheduled for Tuesday, November 7<sup>th</sup> and encouraged everyone to vote.
2. A special City Council meeting was scheduled for November 13, 2017 at 8:00 p.m.
3. The first edition of the city's newsletter and reported copies would be distributed via Facebook and through the monthly BPU billing statements.
4. The city had exceeded 1,800 "likes", or followers, on Facebook.
5. The second round of leaf collection had started and a schedule of the collection could be found on the city's website.

Council Member Morrissey	Aye
Council Member Sharp	Aye
Council Member Stockford	Aye
Council Member Zeiser	Aye
Mayor Sessions	Aye

Motion passed 7-0.

- D. Ordinance #2017-004: An Ordinance to Amend Sections 36-651 Through and Including 36-653 of Division 4 of Article VIII of Chapter 36 of the Code of the City of Hillsdale

Council Member Flannery, seconded by Council Member Sharp, moved to adopt Ordinance #2017-004: An Ordinance to Amend Sections 36-651 through and including 36-653 of Division 4 of Article VIII of Chapter 36 of the Code of the City of Hillsdale

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

Motion passed 7-0.

- F. Ordinance #2017-006: An Ordinance to Amend Sections 36-591 Through and Including 36-601 of Division 2 of Article VIII of Chapter 36 of the Code of the City of Hillsdale

Council Member Flannery, seconded by Council Member Dixon, moved to adopt Ordinance #2017-006: An Ordinance to Amend Sections 36-591 through and including 36-601 of Division 2 of Article VIII of Chapter 36 of the Code of the City of Hillsdale

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

Motion passed 7-0.

- E. Ordinance #2017-005: An Ordinance to Amend Sections 36-621 Through and Including 36-634 of Division 3 of Article VIII of Chapter 36 of the Code of the City of Hillsdale

Council Member Morrissey, seconded by Council Member Zeiser, moved to adopt Ordinance #2017-005: An Ordinance to Amend Sections 36-621 through and including 36-634 of Division 3 of Article VIII of Chapter 36 of the Code of the City of Hillsdale

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

Motion passed 7-0.

6. The branding discussion tabled at the October 16<sup>th</sup> Council meeting would be placed on the November 20, 2017 agenda for additional discussion.
7. The State of Michigan had requested approximately 1,400 City of Hillsdale brochures so the informational handouts could be placed at all of the state's Welcome Centers.
8. Recreation Director Michelle Loren reported over 800 residents had participated in the city's recreational programs in 2017, a 17% increase from 2016.
9. The city had re-established an annual contest to award home and business owners for the best Christmas light display.
10. The Hillsdale College Chess Club would be hosting a chess event on November 18, 2017 from 10:00 a.m. until 12:00 p.m. Additional information could be obtained by contacting the city's Recreational Department.

Responding to a concern from Council Member Sharp, DPS Director Hammel stated a third leaf collection would most likely be necessary throughout the city and details about this program would be distributed in the near future.

Council Member Morrisey commended City Manager Mackie and city staff for the excellent newsletter.

### **General Public Comment**

Ms. Ruth Brown encouraged the city to fix the audio and visual system in the Council Chambers so that people watching the telecast on Livestream could understand what was being said.

Mr. Dennis Wainscott encouraged everyone to vote in the election on November 7<sup>th</sup>.

Mr. Ted Jansen reviewed the costs associated with the recent Community Halloween Party.

Ms. Penny Swan encouraged the city to fix the Livestream system for broadcasting the Council meetings. Ms. Swan also noted many residents in her ward were having problems with air in the BPU water lines due to the on-going maintenance of the city's water tower.

Ms. Sandy Norwood voiced concern at the city's mandate that a tree be removed from the right-of-way at 29 South Street.

Mr. William Browley, 36 E. Bacon Street, discussed the millions of jobs that had left the area for the State of Texas. Mr. Browley stated the few jobs that remained in the area that were very low-paying.

Mr. Jack McLain, 1445 South Bunn Road, commended staff for the very informative newsletter. Mr. McLain also questioned the impact of the new sign ordinance on existing signs throughout the city, specifically the signs on the new Center City Apartments. Mr. McLain also questioned why automotive repair facilities were not considered retail establishments in the new zoning ordinances, in addition to the requirements in the zoning ordinance that required awnings in certain sections in the city.

Mr. John Paradine, 2770 Taylor Road, noted the accumulation of trash and debris on city-side of Taylor Road and requested city have this area cleaned on a regular basis.

Mr. Michael Mitchell, 108 E. Hallett, encouraged the Council to explicitly deny the 425 Agreement with Fayette Township so the issue could not be re-introduced to Council at a future meeting.

Mr. McLain stated the Council to delay appointments to the Planning Commission until all of the applications could be reviewed by staff and the open application period had expired.

### **Council Comments**

Council Member Sharp stated Council's decision to not support Council Member Zeiser's motion meant the 425 Agreement was dead and no further action would be taken on the issue. Council Member Sharp noted this was the last meeting for Council Member Flannery and thanked him for

his service and dedication as a Council Member and Mayor Pro-Tem. Council Member Sharp voiced his commitment for the city's locally owned, small business owners.

Council Member Zeiser stated the local businesses were impacted far more from e-commerce and Internet shopping, than they would be from a new Meijer location. Council Member Zeiser noted the failure to approve the 425 Agreement would have dire financial consequences for city needs, such as road improvements.

City Attorney Lovinger noted that because Council Member Zeiser's motion on the 425 Agreement was not voted on, Council had not taken a conclusive vote on the issue. City Attorney Lovinger stated the Council could decide to place the issue on a future Council meeting agenda.

Council Member Flannery thanked city staff and Council Members for their dedication and assistance during his tenure on Council. Council Member Flannery extended best wishes to the future of the City of Hillsdale and its residents.

Council Member Dixon provided information on the Operations and Governance meeting held earlier in the evening. Council Member Dixon stated a recommendation regarding Michigan Municipal League (MML) training would be presented to Council at an upcoming meeting.


Mayor Sessions thanked Council Member Flannery for his service to the City of Hillsdale. Mayor Sessions also encouraged everyone to vote in the November 7<sup>th</sup> election.

#### Adjournment

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

The meeting adjourned at 8:53 p.m.

  
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Scott M. Sessions, Mayor

  
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Stephen M. French, City Clerk