

## CITY COUNCIL MINUTES

City of Hillsdale  
September 6, 2016  
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 Bruce Sharp, Ward 3 William Zeiser, Ward 3 Matthew Bell, Ward 4 Patrick Flannery, Ward 4
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Council Members absent:	William Morrissey, Ward 2
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Also present were: City Manager David Mackie, City Clerk Stephen M. French, City Attorney John Lovinger, City Attorney Tom Thompson, Finance Director Bonnie Tew, Kay Freese (HR), Scott Hephner (HCPD), Jake Hammel (DPS), Mike Barber (BPU), Alan Beeker (Zoning), Michelle Loren (Recreation) Mary Wolfram (Hillsdale Policy Group), Jason Walters (Patriot Aviation), Andy Barrand (Hillsdale Daily News), Tom Novelly (Hillsdale Collegian), Nic Rowan (Hillsdale Collegian), Josephine Von Dohlen (Hillsdale Collegian), Don Scoville (Kiwanis Club), Julie Games, Dennis Wainscott, David Prater, Dennis & Brenda Reed, Sandra Vallance, Aaron Schriverers, and Penny Swan.

### Council Member Excused

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

### Approval of Agenda

Mayor Sessions requested agenda item "Miscellaneous Reports – Approval of Standing Committees" be removed from the agenda. Mayor Sessions also requested a discussion regarding the appointment of a fourth Council Member to Standing Committees be added to the meeting agenda.

Council Member Watkins, seconded by Council Member Bell, moved to approve the September 6, 2016 agenda with the requested changes. By a voice vote, the motion carried unanimously.

### Public Comment

Police Chief Hephner noted two corrections to the Consent Agenda:

1. The noise variance for Hillsdale College scheduled for Arboretum on September 17, 2016 was incorrectly listed as occurring on a Friday. Chief Hephner reported the event was confirmed for Saturday, the 17<sup>th</sup>.

2. The noise variance for Hillsdale College for the Homecoming "Un-Tent" party would be held on Saturday, September 24<sup>th</sup> and not the 17<sup>th</sup> as listed on the agenda.

### Consent Agenda

- A. Approval of Bills
  1. Payroll: \$95,509.97
  2. City Claims of August 25, 2016: \$67,902.04
  3. BPU Claims of August 26, 2016: \$371,163.11
- B. City Council Minutes – August 15, 2016
- C. EDC - Architectural Control Committee Minutes – July 20, 2016
- D. EDC - Business Review Committee Minutes – July 21, 2016
- E. EDC Minutes – June 16, 2016
- F. Planning Commission Minutes - July 19, 2016
- G. Finance Committee Meeting Minutes
  1. August 1, 2016
  2. August 15, 2016
  3. August 29, 2016
- H. Shade Tree Committee Meeting Minutes - August 3, 2016
- I. Public Safety Committee Meeting Minutes – August 31, 2016
- J. Hillsdale Policy Group Monthly Report – August 2016
- K. Park Use Agreement – St. Anthony Catholic Church
- L. Park Use Agreement – Indiana Outboard Races
- M. Progress Report – Code Enforcement on 48 Greenwood Street
- N. Code Enforcement Report – August 2016
- O. Hillsdale College noise variance - Arboretum - September 17, 2016
- P. Hillsdale College noise variance - Biermann Athletic Center - September 24, 2016

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

Roll call:	Council Member Bell	Aye
	Council Member Dixon	Aye
	Council Member Flannery	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. Airport Update

Mr. Jason Walters of Patriot Aviation provided a brief review of the improvements and on-going events at the Hillsdale Municipal Airport. Mr. Walters reported:

1. Gift bags were distributed to various NASCAR executives and teams at the Michigan International Speedway (MIS) to promote the airport and to encourage the use of Hillsdale Airport during race weekends.
2. The sealed bids for the new apron project at the airport were opened and reviewed by city staff and engineers. Mr. Walters reported the bids were not competitive and the project would be rebid in the future in hopes of obtaining better construction pricing.
3. The "Fly-In" at the airport was scheduled for September 11, 2016 and multiple aircraft would be on display. Mr. Walters also invited the public to participate in the "fun-run" scheduled for Saturday morning, September 10<sup>th</sup>.
4. The airport was the site of a mock disaster drill organized by Hillsdale County Emergency Management on August 25, 2016

September 6, 2016

Regular Meeting

5. The crack-sealing project of the runway was completed by in-house employees at a savings of over \$10,000 from the budgeted amount.

Council Member Stockford reported that the paratroopers who landed at the racetrack prior to the NASCAR race departed from the Hillsdale Airport. Council Member Stockford commended Mr. Walters for the improvements being done at the airport.

B. Hillsdale County Emergency Management Communication re: Patriot Aviation

Mayor Sessions reported a thank-you letter had been received from Hillsdale County Emergency Management in regards to the county disaster exercise drill that occurred at the airport on August 25<sup>th</sup>.

C. City Clerk's Report on Election Costs for August 2, 2016 Election

Mayor Sessions provided a report that City Clerk French had submitted in response to the Finance Committee's request to provide costs of city elections.

Council Member Bell requested Clerk French create a cost comparison of election costs of previous elections for City Council review at a future meeting.

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

A. Public Hearing: Resolution 3294 "Discontinuance and Vacation of Alleys and Partial Street Clover Hill Addition to the City Of Hillsdale"

Mayor Sessions opened a Public Hearing to receive public comments regarding a staff recommendation to vacate the Fairfield Street right-of-way between Dickerson and the westerly line of the Clover Hill Addition.

Ms. Sandy Vallance, 113 Lumbard Street, requested general information on the staff recommendation.

Zoning Inspector Beeker provided a review of the staff recommendation to vacate the alley right-of-ways and Fairfield Street right-of-way in the Clover Hill Addition plat. Mr. Beeker stated two property owners had recently approached the city and requested to purchase the alleyways that bisected their lots. Mr. Beeker stated while reviewing their requests, city staff discovered a number of alleyways in the area had not been officially vacated by previous Councils.

Zoning Inspector Beeker noted the city had never made attempts to utilize or improve the alleyways for public use. Mr. Beeker also noted most homeowners in the area had maintained the public right-of-ways, as many of the alleyways had bisected properties owned by a single owner. Mr. Beeker stated the staff recommendation was to split the rights-of-way evenly between the property owners.

Zoning Inspector Beeker also reviewed a "Property Tax Estimate" spreadsheet which detailed the impact of the property transfer to the taxpayer. Mr. Beeker stated the financial impact to the homeowner would increase their property taxes approximately \$5-10 per year.

Mr. John Webb, 112 Marion, asked if others could build on the lots if the alleys were vacated. Council Member Bell stated this was correct and no construction could occur on the vacated property.

Council Member Sharp discussed the importance of having a land survey completed prior to any construction project.

Mr. Zach Finch, 205 N. Wolcott, asked if the vacated property could be used to determine zoning regulations, such as setup calculations. Zoning Inspector Beeker stated this was correct and the vacated alley-way could be used to determine these zoning requirements.

Council Member Stockford indicated that he had discussed this issue with a couple of people from the area who were in agreement with the city staff recommendation. Council Member Stockford also asked for an informal polling of the audience on their response to the issue. It was noted a large majority of the public raised their hands in support of the request.

A resident noted the alleyway adjacent to his property contained many trees that had not been maintained over the years by the city. The property owner questioned if trees would be trimmed or removed by the city prior to the property transfer.

Mr. Finch questioned if the city would pay for the properties to be re-surveyed once the transfer was complete. Zoning Administrator Beeker stated the properties would not be re-surveyed; however, the legal descriptions would be amended to include the private easements that were created with the alleyway vacation.

Ms. Ivadell Webb, 112 Marion Street, questioned the impact of the alleyway vacation if the attached lots were sold by the homeowners. Zoning Inspector Beeker stated the private easement would follow any property title transfer that may occur in the future.

Mayor Sessions closed the Public Hearing.

Council Member Watkins recommended Council delay action on the item until further information could be obtained regarding the legal questions of land-use that had been raised at the public hearing. Council Member Watkins also discussed the possibility of the city providing financial support for the re-surveying of the private easements that were created.

City Attorney Lovinger briefly reviewed the process to amend a plat, which would allow full property ownership to previously vacated public rights-of-way.

Council Member Stockford also voiced support for postponing action on this issue so further answers could be obtained to the questions raised at the public hearing.

Responding to a question from Council Member Dixon, City Attorney Lovinger indicated the ownership of the rights-of-way would change from the city to the adjacent property owners, subject to the private easement provisions. City Attorney Lovinger noted the city could not simply release ownership of the property to the adjacent homeowners without the authorization of Circuit Court and re-platting the area. City Attorney Lovinger noted re-platting actions are initiated by the property owners and the municipality is a defendant to the request.

Council Member Bell voiced support for the staff recommendation and indicated private ownership of property was of benefit if the property was not needed for public purposes.

Ms. Webb asked why this issue was being raised when the property had been left unattended or left without public improvements for decades. Council Member Bell responded the action was being completed after neighboring properties owners had requested the action. Council Member Bell noted the impact on Ms. Webb's property would not significantly change from her historical use of the property.

Council Member Flannery questioned what would be found following a title search on a property, if Council approved the staff recommendation as submitted. City Attorney Lovinger responded the title description would include the platted lots, as well as a description of the portioned vacated alley. City Attorney Lovinger, responding to a question from Council Member Flannery, stated there would be no requirement for the individual property to have a survey completed on their property, or to petition Circuit Court for any further actions.

Council Member Bell, seconded by Council Member Flannery, moved to adopt Resolution No. 3294 "Discontinuance and Vacation of Alleys and Partial Street Clover Hill Addition to the City Of Hillsdale"

Roll call:	Council Member Bell	Aye
	Council Member Dixon	Aye
	Council Member Flannery	Aye
	Council Member Sharp	Aye
	Council Member Stockford	Aye

Council Member Watkins	No
Council Member Zeiser	Aye
Mayor Sessions	Aye

Motion passed 7-1.

### Unfinished Business

There was no Unfinished Business on the agenda.

### Old Business

There was no Old Business on the agenda.

### New Business

- A. Approval of a contract with Smalley Construction, Inc. for the demolition of structures located at 128 Manning Street and 240 E. South Street.

Council Member Zeiser questioned if the property owners of these two properties were in support of the demolition orders. City Attorney Lovinger confirmed the owners were in support of the grant program and had signed the applicable agreements to allow the demolition to commence.

Council Member Watkins, seconded by Council Member Stockford, moved to approve a contract with Smalley Construction, Inc. for the demolition of structures located at 128 Manning Street and 240 E. South Street.

Roll call:	Council Member Bell	Aye
	Council Member Dixon	Aye
	Council Member Flannery	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. Sale of 2006 International Dump Truck to the Hillsdale County Road Commission

Council Member Bell asked if city staff had obtained a fair market value of the truck. Public Services Director Hammel stated three vendors had estimated the truck's value at approximately \$16,000 - \$20,000.

Council Member Flannery, seconded by Council Member Zeiser, moved to approve the sale of a 2006 International Dump Truck to the Hillsdale County Road Commission at a price of \$30,000.

Roll call:	Council Member Bell	Aye
	Council Member Dixon	Aye
	Council Member Flannery	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. Resolution No. 3295: "Approval of Master Agreement Number 2017-0063 with the Michigan Department of Transportation (MDOT)"

Finance Director Tew provided a review of the resolution, which centered on the federal grant program for the Dial-A-Ride program. Ms. Tew indicated the city received 16-19% of the DART funding from the federal government grant receipts. Ms. Tew stated the resolution would allow the assigned persons to sign individual grant agreements, which would alleviate the process of having to obtain Council approval for each agreement.

Council Member Bell questioned if the Master Agreement would obligate the City Council to maintain existing level of services for the entire five year period. Finance Director Tew stated Council would be permitted to change operations or funding services for Dial-A-Ride services, even if the Master Agreement was approved.

Council Member Flannery, seconded by Council Member Dixon, moved to adopt Resolution No. 3295: "Approval of Master Agreement Number 2017-0063 with the Michigan Department of Transportation (MDOT)"

Roll call:	Council Member Bell	Aye
	Council Member Dixon	Aye
	Council Member Flannery	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. Approval of the Generator Replacement Project with Clark Electric in the amount of \$17,500.00

BPU Director Barber provided additional information on the staff recommendation to replace a 30 KW generator at the BPU offices. Mr. Barber stated the current generator was purchased in 2005 and needed to be upgraded to a unit with much higher capacity.

Council Member Watkins, seconded by Council Member Flannery, moved to approve the Generator Replacement Project with Clark Electric in the amount of \$17,500.00

Roll call:	Council Member Bell	Aye
	Council Member Dixon	Aye
	Council Member Flannery	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. Recommendation to re-establish the Deputy Fire Chief position, to assign Kevin Pauken as Deputy Fire Chief, and to appoint Scott Hephner as the Interim Fire Chief

City Manager Mackie stated the Public Safety Committee had discussed the change and provided their unanimous support for the change at their last meeting. City Manager Mackie noted the recommendation would require the reinstatement of the Deputy Chief position, as it had been removed during the union negotiation period in 2015.

Council Member Zeiser questioned the budget implications of the recommendation. City Manager Mackie stated there would be no long term budget impact, as the department utilized four full-time employees, two of whom were able to retire in the near future.

Council Member Watkins, seconded by Council Member Flannery, moved to re-establish the Deputy Fire Chief position, to assign Kevin Pauken as Deputy Fire Chief, and to appoint Scott Hephner as the Interim Fire Chief.

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

Motion passed 8-0.

### Miscellaneous

A. Appointments of Mr. Ed Sumnar to the Economic Development Corporation (EDC).

Council Member Zeiser, seconded by Council Member Flannery, moved to approve the appointment of Mr. Ed Sumnar to the Economic Development Corporation (EDC). By a voice vote, the motion passed unanimously.

B. Discussion of adding a fourth Council Member to Standing Committees

Mayor Sessions reported Council Rules precluded the removal of a Council Member to Standing Committees during their two year appointment. Mayor Sessions requested Council discussion of the addition of a fourth member of Council to a Standing Committee, which would allow a newly elected Council Member to participate in the committee structure. Mayor Sessions stated the Council Rules could be amended to permit the appointment of a maximum of four Council Members to each Standing Committee until the next regular, Council election. Mayor Sessions indicated the membership of the Standing Committees would be reduced to three members if a vacancy occurred on City Council.

Council engaged in general discussion regarding the ideal number of Council Members on Standing Committees. Council also requested city staff to review the motions that were made at previous Council meetings regarding the size of the Standing Committees.

### City Manager's Report

City Manager Mackie stated:

1. The State Street reconstruction project had begun
2. Additional union contract recommendations would be presented for consideration at the next regularly scheduled Council Meeting.
3. The engineering agreement for the Garden-Mead-Vine project would also be included for approval at the next regularly scheduled Council Meeting.
4. The next F.A.I.R. (Funding Alternatives Identification & Recommendation) meeting was scheduled for Thursday, September 8, 2016 at 6:00 p.m.
5. Voiced commendation to Finance Director Tew for supporting the BPU during employment changes that were made in recent weeks.

**General Public Comment**

Mr. Dennis Wainscott, 34 Garden Street, voiced support for the replacement and/or maintenance of sidewalks on Garden Street.

Economic Development Director Wolfram invited the public to attend the "Art Around Town" event scheduled for September 17, 2016 from 9:00 a.m. until 12:00 noon.

Mr. Don Scoville representing the Kiwanis Club, requested a meeting with city staff to discuss the planned improvements and long-term plans of Cold Springs Park.

Ms. Penny Swan encouraged the City of Hillsdale to include the slogan "It's the People" on the new welcome signs that were planned.

Ms. Julie Games also encouraged the slogan "It's the People" to remain on any new welcome signs.

**Council Comments**

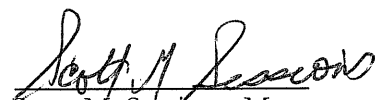
Council Member Bell requested if an additional sign or placard could be added to the new welcome signs to include the phrase "It's the People." City Manager Mackie stated the welcome signs had been completed and installation would be completed during the week of September 19, 2016.


Council Member Zeiser supported the comments made by Council Member Bell and encouraged the slogan "It's the People" be added to the new welcome signs. Responding to a question from Council Member Zeiser, City Manager Mackie stated the service club emblems would be refurbished and replaced when the new welcome signs were installed.

**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 8:50 p.m.

  
Scott M. Sessions, Mayor

  
Stephen M. French, City Clerk