

**CITY COUNCIL MINUTES**

City of Hillsdale  
Council Chambers  
June 4, 2018  
7:00 P.M.

Regular Meeting

**Call to Order and Pledge of Allegiance**

Mayor Adam Stockford opened the meeting with the Pledge of Allegiance.

**Roll Call**

Mayor Adam Stockford called the meeting to order.

Council Members present:	Adam Stockford, Mayor R. Gregory Stuchell, Ward 1 Timothy Dixon, Ward 2 William Morrissey, Ward 2 Bruce Sharp, Ward 3 William Zeiser, Ward 3 Matthew Bell, Ward 4 Raymond Briner, Ward 4
--------------------------	---

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

Also present were: City Manager David Mackie, City Clerk Stephen M. French, City Attorney John Lovinger, City Attorney Thomas Thompson, Scott Hephner (HCPD & HCFD), Mark Hawkins (HCFD), Chris McArthur (BPU), Jake Hammel (DPS), Bonnie Tew (Finance), Kay Freese (HR), Mary Hill (Library), Pete Merritt (Treasurer), Joseph Hendee, Pete Jennings, Dennis Wainscott, Penny Swan, Ted Jansen, Jack McLain, Alexis Kozut, Liz Webb, Carolyn Cogswell, Vickie Burd, Julie Games, Rosemary Easler, Louise Worms, and Dr. Bob Kocembo.

**Public Comment**

Ms. Julie Games, 3391 N. Hillsdale Road, encouraged Council Members to approve the Great American Parade event that was included on the Consent Agenda. Ms. Games also voiced appreciation to the Police Department and the Department of Public Services for their on-going support of the event.

Mr. Dennis Wainscott, 34 Garden Street, encouraged Council Members to listen to the speakers from the Mitchell Research Library who would speak about their concerns in regards to the FY2019 budget.

Mr. Louise Worms, 80 E. Fayette Street, voiced concern regarding the communication issues that existed between the Mitchell Research Center and city staff.

Mr. Jack McLain, 1445 S. Bunn Road, questioned the Great American Parade's use of the city's liability insurance for their event.

Ms. Rosemary Easler highlighted the many hours of community service donated to the Mitchell Research Center and the enormous economic impact the center had on the local economy.

Mr. Joseph Hendee, 181 Rea Street, spoke of his Freedom of Information Act (FOIA) appeal and questioned the apparent change in contractual relationship between Marcoux-Allen and the Lovinger & Thompson law firms. Mr. Hendee alleged the change in city attorneys was done without public input and violated the Open Meetings Act (OMA).

Ms. Liz Webb, 4911 Foust Road, encouraged Council Members to support the Mitchell Research Center and discussed the large amounts of historical and institutional memory held by the volunteers at the center. Ms. Webb also provided a brief history of the funding campaign that was organized when the Mitchell Research Center was relocated to its current site.

Ms. Penny Swan, 191 North West Street, voiced support for the proposed city budget and encouraged Council to adopt the budget as presented.

Mr. Ted Jansen, 104 Hillsdale Street, requested city staff provide information on the actual costs to provide phone and Internet service to the Mitchell Research Center.

### Approval of Agenda

Council Member Morrisey, seconded by Council Member Bell, moved to approve the June 4, 2018 agenda as submitted. By a voice vote, the motion passed unanimously.

### Consent Agenda

- A. Approval of Bills
  - 1. City Claims of May 18, 2018: \$ 84,442.87
  - 2. BPU Claims of May 18, 2018: \$174,462.19
  - 3. Payroll of May 17, 2018: \$161,563.24
- B. City Council Minutes of May 21, 2018 Regular Meeting
- C. Great American Parade – July 3, 2018
- D. Fireworks Display – All American Celebration Committee – July 3, 2018

Council Member Bell, seconded by Council Member Morrisey, moved to approve the Consent Agenda.

Roll call:	Council Member Bell	Aye
	Council Member Briner	Aye
	Council Member Dixon	Aye
	Council Member Morrisey	Aye
	Council Member Sharp	Aye
	Council Member Stuchell	Aye
	Council Member Zeiser	Aye
	Mayor Stockford	Aye

Motion passed 8-0.

### Communications/Petitions

- A. Correspondence from Ms. JoAnne Miller re: Mitchell Research Center

The communication was received for informational purposes only.

### Introduction and Adoption of Ordinance/Public Hearing

There were no ordinances or public hearings on the agenda.

**Unfinished Business**

## A. Resolution: Millage Levy for FY2019

City Manager Mackie reviewed the millage levy resolutions and noted the resolution for the sinking fund had been separated from the resolution of the other levies at the request of Council Members. City Manager Mackie reported the proposed FY2019 budget, with the sinking fund, would allocate nearly \$950,000 for road improvement, street maintenance, and sidewalk replacement programs.

City Manager Mackie also reported the proposed budget included funding for the utility costs to the Mitchell Research Center, as well as \$60,000 for substantial repairs and maintenance to the building.

Council Member Bell, seconded by Council Member Dixon, moved to adopt Resolution 3336, which established the city's general tax levy at twelve and 4337 hundredths mills (\$12.4337 per \$1,000 of taxable valuation); the levy for working upon, improving, and repairing and cleaning the streets of the City, at two and 4868 hundredths mills (\$2.4868 per \$1,000 of taxable valuation); and, the City's public Library levy at 9947 hundredths of a mill (\$0.9947 per \$1,000 of taxable valuation).

Roll call:	Council Member Bell	Aye
	Council Member Briner	Aye
	Council Member Dixon	Aye
	Council Member Morrissey	Aye
	Council Member Sharp	Aye
	Council Member Stuchell	Aye
	Council Member Zeiser	Aye
	Mayor Stockford	Aye

Motion passed 8-0.

## B. Resolution: Sinking Fund Levy for FY2019

Council Member Sharp voiced support for the proposed resolution and stated the sinking fund levy was an equitable way to raise necessary funding for much-needed road improvements throughout the city. Council Member Sharp noted the top priority of the residents continued to be the repair and improvements to the city streets.

Council Member Morrissey also voiced support for the sinking fund levy and stated the tax would allow consistency in funding for the necessary road improvements.

Council Member Briner stated support for the resolution and noted the levy may be eliminated or suspended if road projects were not necessary or adequate funding was already available.

Council Member Bell voiced opposition to the resolution and stated his continued objection to raising property taxes within the city.

Council Member Zeiser argued against the tax levy and noted the question should have been placed before the voters instead of being implemented by a legislative action.

Mayor Stockford objected to the proposed tax levy and noted his promise made during the mayoral campaign to vote against any increase in taxes. Mayor Stockford stated the majority of city residents oppose the tax measure and current road projects were not being funded primarily from revenue received from the sinking fund.

Council Member Bell and Council Member Zeiser thanked city staff for separating the sinking fund tax levy from the other taxing levies.

Council Member Morrissey, seconded by Council Member Briner, moved to adopt Resolution 3337, which established a sinking fund established for the payment of debt service by a general tax of two and 9810 hundredths mills (\$2.9810 per \$1,000 of taxable valuation)

Roll call:	Council Member Bell	No
	Council Member Briner	Aye
	Council Member Dixon	Aye
	Council Member Morrissey	Aye
	Council Member Sharp	Aye
	Council Member Stuchell	Aye
	Council Member Zeiser	No
	Mayor Stockford	No

Motion passed 5-3.

C. Resolution: Budget Adoption for FY2019

Council Member Zeiser voiced support for the resolution, as Council had since voted as a legislative body to include the sinking fund levy within the FY2019 budget.

Council Member Morrissey, seconded by Council Member Sharp, moved to approve Resolution 3338, which established the sums as budgeted and appropriated to meet the expenses of the several funds and activities of the City of Hillsdale for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

Roll call:	Council Member Bell	Aye
	Council Member Briner	Aye
	Council Member Dixon	Aye
	Council Member Morrissey	Aye
	Council Member Sharp	Aye
	Council Member Stuchell	Aye
	Council Member Zeiser	Aye
	Mayor Stockford	Aye

Motion passed 8-0

E. Fire Department Ladder Truck (verbal update)

Chief Hephner reported the ladder truck had been removed from active service in Texas and was released to the sales broker approximately three weeks prior. Chief Hephner reported the pump and aerial tests had been completed on the truck and delivery of the ladder truck to the City of Hillsdale was expected near the end of the month.

**Old Business**

There was no Old Business on the agenda.

**New Business**

A. FOIA Appeal

Mayor Stockford reviewed the FOIA request that had been submitted by Mr. Joseph Hendee dated May 23, 2018 for certain records pertaining to the appointment of John Lovinger as City Attorney; and, any contracts between the city, Attorney Lovinger, and the Marcoux Allen law firm. Mayor Stockford noted the city had denied Mr. Hendee's request, as no records were found that matched Mr. Hendee's request. Mayor Stockford stated Mr. Hendee had filed an appeal to this denial on May 29, 2018.

Mr. Hendee questioned if HR Director Freese was an active Notary Public, as seal on the FOIA documents indicated her notary certification ended in 2014. Ms. Freese assured Mr. Hendee her Notary Public certification was active.

Mayor Stockford reviewed the appointment of City Attorney John Lovinger that had occurred in August 2015. Mayor Stockford noted there was some confusion in the public in regards to the appointment of a specific person to the position, and stated the appointment was not the approval of a contract or agreement between the city and an entire firm, for example. Mayor Stockford assured everyone that all deliberations of this issue had been conducted in a public meeting that had been properly noticed through the Open Meetings Act (OMA).

Council Member Sharp discussed the open meetings that were held in regards to the appointment of City Attorney Lovinger and noted there was not a contract or written agreement that had been approved by Council with this appointment.

City Manager Mackie noted minutes for a public meeting that was held on August 11, 2015 could not be located; however, City Clerk French had begun to draft minutes for that meeting and would present those for Council approval at the June 18, 2018 Council meeting.

City Attorney Lovinger reported he had always held professional malpractice coverage during his thirty years of law practice in the Hillsdale area. City Attorney Lovinger noted that he had provided a copy of his insurance binder to the City Manager in response to an additional FOIA request from Mr. Hendee.

Attorney Thompson discussed the professional association between himself, City Attorney Lovinger, and the Marcoux Allen firm. Attorney Thompson assured the public that he and City Attorney Lovinger were still associated with the Marcoux Allen firm.

City Attorney Lovinger reported he had been sworn-in as the city attorney at a public meeting in 2015 by then-City Clerk Michelle Loren.

Council Member Bell recommended Council take no action on this item.

### **Miscellaneous Reports**

A. Appointment of Julie Boyce & Clinton Brugger to the Hillsdale Housing Commission Board

Mayor Stockford noted the Hillsdale Housing Commission Board appointments were made by the City Manager and the item was included on the agenda for informational purposes only.

### **General Public Comment**

Mr. Dennis Wainscott invited the public to the Volume II Bookstore to receive information from the group "Voters Not Politicians" in regards to the upcoming state-wide proposal on political redistricting.

Mr. Jack McLain discussed the requirement to have an elected secretary on the city's Planning Commission and voiced on-going concerns with the accuracy of the meeting minutes of the group.

Mr. Joseph Hendee thanked Mayor Stockford for his involvement with the FOIA appeal.

City Clerk French discussed the on-going concerns that had been voiced by the public with the audio and visual system in the Council Chambers and the costs involved with upgrading the system. Clerk French noted many components of the system had been upgraded; however, more costly repairs such as wire and microphone replacement were needed. Clerk French encouraged Council Members to contact his office if these repairs became a priority in the upcoming fiscal year.

Ms. Penny Swan discussed an expense listed on the Finance Committee's agenda for the printing of vacation forms for BPU employees at a cost of \$40.00. Ms. Swan also discussed the appointment of City Attorney Lovinger and noted all of the discussions of the appointment had been conducted in open meetings that had been properly noticed.

Mr. Ted Jansen reported he would have more information in the upcoming weeks in regards to his request to re-install the former city welcome signs on private property. Mr. Jansen also noted the refurbished playground equipment would soon be reinstalled at Cold Springs Park.

### **City Manager's Report**

City Manager Mackie:

1. Reported the city had discovered minutes for a special Council Meeting held on August 11, 2015 had never been completed by staff and approved by Council. City Manager Mackie stated those minutes would be completed by City Clerk French in the very near future.
2. Reminded everyone of the Governor's Service Awards ceremony on Tuesday, June 5, 2018 at the Wharton Center in Lansing that would celebrate the volunteer service of many individuals, including Ms. Sally Fallon
3. Reported city staff continued with a project to install a new telephone system in city buildings
4. Indicated upcoming Council meetings would include discussion of updated water and sewer rates for the BPU, as well as a Comcast franchise agreement.
5. Reported Governor Rick Snyder would be visiting City Hall on Friday, June 8, 2018 in regards to the city's completion of the Rising Tide Initiative.
6. Requested Council Members review their schedules to determine if the July 2, 2018 Council meeting should be cancelled due to the July 4<sup>th</sup> holiday.

### **Council Comments**

Council Member Sharp reported the construction of the new cell tower on E. Fayette Street had started.


Mayor Stockford noted the passing of Mr. Ernie Ingells and Mr. Kevin Shirk in recent weeks. Mayor Stockford discussed the many contributions each gentleman made to the City of Hillsdale.

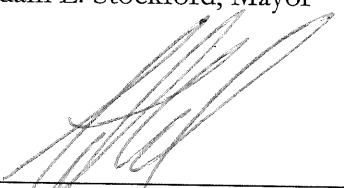
Council Member Stuchell applauded Hillsdale High School and Superintendent Shawn Vondra for receiving the "Best Schools in America" award for their continued excellence in the community.

### **Adjournment**

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

The meeting adjourned at 8:26 p.m.

  
\_\_\_\_\_  
Adam L. Stockford, Mayor

  
\_\_\_\_\_  
Stephen M. French, City Clerk