

CITY COUNCIL MINUTES

City of Hillsdale
Council Chambers
July 16, 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
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Council Members absent:	None
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Also present were: 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), Pete Merritt (Treasurer), Alan Beeker (Zoning), Mary Rivera (DART), Sue Kehn (DART), Mary Hill (Library), David Halcomb (Hillsdale County), Sam Fry (Hillsdale Daily News), Jack McLain, Polly Welch, Julie Beeker, Joseph Hende, Ted Jansen, Ruth Brown, Penny Swan, and Patrick Baughman.

Approval of Agenda

Mayor Stockford announced the following items would be removed from the Consent Agenda and filed under "Communications":

- H. Request for Street Closure – Hillsdale College – August 26, 2018
- I. Request for Alley Closure – Hillsdale College – August 26-28, 2018
- K. Request for Street Closure – Hillsdale College – North West Street

Mayor Stockford noted the street and alley closures removed from the Consent Agenda did not require Council approval, but would be provided to Council as informational items.

Council Member Morrissey, seconded by Council Member Bell, moved to approve the July 16, 2018 agenda as amended.

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.

Public Comment

Ms. Mary Rivera, Dial-a-Ride Transportation (DART) employee, requested Council postpone consideration of the International Brotherhood of Teamsters, Local 214 Bargaining Agreement based on concerns raised by herself and other DART drivers.

Ms. Penny Swan, 191 North West Street, discussed the proposed sign ordinance and encouraged Council to amend the ordinance to make the language easier to understand for city residents and business owners.

Ms. Sue Kehn, DART employee, also encouraged Council to delay approval of the Teamsters Bargaining Agreement, and stated the contract as written would make it more difficult for the city to recruit and hire DART drivers.

Mr. Ted Jansen, 104 Hillsdale Street, objected to the sign ordinance as presented and questioned if the placement of political signs would be impacted by the new rules.

Consent Agenda

- A. Approval of Bills
 - 1. City Claims
 - a. June 14, 2018: \$468,427.21
 - b. June 28, 2018: \$227,810.33
 - 2. BPU Claims
 - a. June 14, 2018: \$151,165.54
 - b. June 28, 2018: \$244,664.86
 - 3. Sewer Fund Claims of June 14, 2018: \$450.00
 - 4. Payroll
 - a. June 28, 2018: \$184,132.59
 - b. July 12, 2018: \$176,140.27
- C. City Council Minutes of June 18, 2018
- D. Economic Development Corporation (EDC) Minutes of April 19, 2018
- E. EDC - Architectural Control Committee Minutes of June 18, 2018
- F. Local Development Finance Authority (LDFA) Minutes of June 15, 2017
- G. BPU Board Minutes of June 12, 2018
- H. Request for Noise Variance – Hillsdale College – August 27, 2018

Prior to voting on the motion, Council Member Stuchell questioned the BPU minutes, which referenced the Efficiency United Annual Report that included a statement the utility had exceeded their annual goal with a 350% Kw savings throughout the year. Council Member Stuchell stated the savings percentage seemed especially high and questioned if the minutes were truly accurate.

Council Member Stuchell also voiced concern that the BPU minutes included an admission that the Water Department had failed to submit a required quarterly report to the State of Michigan. BPU Director McArthur stated the utility was not fined for the oversight and corrections had been made at the BPU to ensure the reports were filed properly in the future.

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

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.

Communications/Petitions

- A. Resignation of Ms. Maxine Vanlerberg from the Hillsdale Housing Commission
- B. Correspondence received from the MacRitchie Trust re: Mitchell Library
- C. Correspondence received from the Mr. & Mrs. Doolittle re: Mitchell Library
- D. Correspondence received from Ms. Christina Deller re: Hillsdale Garden Club
- E. Request for Street Closure – Hillsdale College – August 26, 2018
- F. Request for Alley Closure – Hillsdale College – August 26-28, 2018
- G. Request for Street Closure – Hillsdale College – North West Street

The communications were received for informational purposes only.

Council Member Morrissey requested a letter of appreciation be sent to Ms. Vanlerberg for her service to the Hillsdale Housing Commission. Council Member Morrissey also requested staff respond to Ms. Deller’s letter with an explanation on the relocation of the hanging baskets on the M-99 corridor.

Introduction and Adoption of Ordinances

- A. Ordinance 2018-02: An Ordinance to Amend Chapter 26 of the Code of the City of Hillsdale

Zoning Administrator Beeker reviewed the proposed ordinance changes that were necessitated with a United States Supreme Court ruling which stipulated that local units of government could not restrict the content of advertising signs.

Extensive discussion was held regarding the impact of the proposed ordinance on political or election signs placed on private property. City Attorney Thompson noted local ordinances could not restrict the content of signs, while other specific regulations about election signs were addressed in other sections of the zoning code.

Council Member Bell stated the proposed ordinance was written in a very confusing fashion and would be perceived as burdensome to residents and property owners. Council Member Bell encouraged Council to return the draft ordinance to the Planning Commission so the regulations could be rewritten and condensed.

Council Member Bell, seconded by Council Member Sharp, moved to return the draft ordinance to the Planning Commission for review. By a voice vote, the motion passed unanimously.

- B. Ordinance 2018-03: An Ordinance to Amend Sections 36-171 Through and Including 36-174 of Division 2 of Article III of Chapter 36 of the Code of the City of Hillsdale

Zoning Administrator Beeker reviewed the proposed ordinance which removed references to Residential Zones R-2 and R-3 that had been previously removed by Ordinance 2017-02. Mr. Beeker reported no permitted or special uses were changed by this new ordinance.

Council Member Bell, seconded by Council Member Morrissey, moved to approve Ordinance 2018-03 as presented.

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.

*NOTE: As ***draft*** Ordinance 2018-02 was not adopted, ***draft*** Ordinance 2018-03 was renumbered as ***adopted*** Ordinance 2018-02.

- C. Ordinance 2018-04: An Ordinance to Amend Section 36-142 of Article III, Division 1 of Chapter 36 of the Code of the City of Hillsdale

Zoning Administrator Beeker reviewed the proposed ordinance, which listed all of the zoning districts within the City of Hillsdale.

Council Member Bell, seconded by Council Member Morrissey, moved to approve Ordinance 2018-04 as presented.

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.

*NOTE: As ***draft*** Ordinance 2018-02 was not adopted, ***draft*** Ordinance 2018-04 was renumbered as ***adopted*** Ordinance 2018-03.

- D. Ordinance 2018-05: An Ordinance to Amend Section 36-142 of Article III, Division 1 of Chapter 36 of the Code of the City of Hillsdale

Zoning Administrator Beeker reviewed the proposed ordinance that outlined the set-backs, lot coverage, maximum height of buildings, and other construction restrictions in the zoning districts.

Council Member Morrissey, seconded by Council Member Bell, moved to approve Ordinance 2018-05 as presented.

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	No

Motion passed 7-1.

*NOTE: As ***draft*** Ordinance 2018-02 was not adopted, ***draft*** Ordinance 2018-05 was renumbered as ***adopted*** Ordinance 2018-04.

- E. Ordinance 2018-06: An Ordinance to Amend Section 36-413 of Article III, Division 16 of Chapter 36 of the Code of the City Of Hillsdale

Zoning Administrator Beeker reviewed the proposed ordinance that required any new plats or condominium developments within the City of Hillsdale to have a minimum lot width of 66 feet. Mr. Beeker stressed the ordinance would not impact any existing lots in the city.

Council Member Morrissey, seconded by Council Member Bell, moved to approve Ordinance 2018-05 as presented.

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	No

Motion passed 7-1.

*NOTE: As *draft* Ordinance 2018-02 was not adopted, *draft* Ordinance 2018-05 was renumbered as *adopted* Ordinance 2018-04.

Unfinished Business

There was no Unfinished Business on the agenda.

Old Business

There was no Old Business on the agenda.

New Business

- A. Resolution No. 3347: Resolution to Allow for Alternate Date for the July and December Board of Review Meetings

Council Member Bell, seconded by Mayor Stockford, moved to adopt Resolution No. 3347 as presented.

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. IBEW 876 Bargaining Agreement

BPU Director McArthur reviewed the proposed agreement and detailed the terms that had been negotiated between the city and the BPU employees in the IBEW.

Responding to a question from Mayor Stockford, City Attorney Thompson stated it was not permissible to require BPU employees to sign a non-compete clause in an attempt to maintain the utility's workforce.

Council Member Stuchell questioned how many people had left the BPU for higher paying jobs at other utilities. BPU Director McArthur stated Consumers Energy and DTE had the highest wage scale in the immediate area, which made it attractive for BPU employees to take positions with a private company doing similar work. Director McArthur stated the wage discrepancy also made it difficult to attract potential candidates to file vacant positions at the BPU when openings did occur. Director McArthur reported the staff had completed a wage comparison between Hillsdale BPU and other municipally-owned utilities in the area and the proposed contract would compensate the city's employees in a comparable fashion to the other public entities.

Responding to a question from Council Member Stuchell, BPU Director McArthur stated the IBEW employees were subject to random drug testing throughout the life of the contract. Director McArthur also stated those employees were not be permitted to use medical marihuana for any reason.

Mayor Stockford questioned if the apprentice lineman was an entry level position, or if the position required some utility experience. BPU Director McArthur stated the new apprentice lineman that was hired was a former service technician for the BPU and had experience in the utility field and attended some training classes for the lineman position. Mayor Stockford stated the entry level position could be used to employ people who graduate from the area's trade schools and community colleges.

Council Member Bell questioned if the compensation package was appropriate for the current financial situation of the city. Council Member Bell noted the IBEW contract could be used by other unions representing employees in other areas of the city. BPU Director McArthur noted the City of Marshall, comparable in size to the City of Hillsdale's BPU, paid their line leaders \$42.16 per hour, which the BPU's new contract would pay the line leaders \$36.65 per hour.

BPU Director McArthur stated an increase in employee turn-over would directly lead to longer power outages and higher costs for the consumer.

Council Member Sharp voiced support for the proposed contract and stated the BPU employees often worked in dangerous situations in less than ideal conditions.

Council Member Bell objected to the proposed agreement and stated the contract would compensate the IBEW employees nearly \$20.00 more per hour than what was being paid to the city's police and firefighters. Council Member Bell stated the union contract would result in additional rate increases to the electric customers.

HR Director Freese noted if the bargaining agreement was not approved by Council, the matter would most likely be sent to arbitration for resolution. Director Freese noted the high costs of mediation and the uncertain outcome of the mediation settlements.

Council Member Morrissey voiced opposition to going through mediation with this contract, due to the uncertainty of mediation settlements.

Council Member Sharp, seconded by Council Member Dixon, moved to approve the tentative collective bargaining agreement between the IBEW 876 and the City of Hillsdale.

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

Motion passed 5-3.

C. International Brotherhood of Teamsters, Local 214 Bargaining Agreement

Mayor Stockford summarized the modifications of the new agreement with the Teamsters, Local 214. Mayor Stockford stated the wage increases would be 2.00% in 2018, 2.75% in 2019, and 3.00% in 2020.

HR Director Freese stated the proposed agreement had been approved by the bargaining team of the union and the city representatives. Director Freese stated the DART drivers had later voiced concern at the proposed agreement that had been agreed to by their union representatives.

Council Member Bell, seconded by Council Member Dixon, moved to approve the tentative collective bargaining agreement between the International Brotherhood of Teamsters, Local 214 and the City of Hillsdale.

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.

D. 2018 Audit Engagement Letter

Council Member Bell, seconded by Council Member Dixon, moved to authorize Mayor Stockford and Finance Director Tew to sign the June 30, 2018 fiscal year-end engagement letter with Condon, Hecht, Bisher, Wade & Company, PC (CHBW).

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.

Miscellaneous Reports

A. Reappointment of Mr. Dean Affholter and Mr. Matt Granata to the Economic Development Corporation

B. Appointment of Council Member Morrissey to the Public Safety Committee

Council Member Bell, seconded by Council Member Dixon, moved to approve the reappointment of Mr. Dean Affholter and Mr. Matt Granata to the Economic Development Corporation; and, the appointment of Council Member Morrissey to the Public Safety Committee. By a voice vote, the motion passed unanimously.

General Public Comment

Chief Hephner reviewed the discussions that were held at a recent Public Safety Committee meeting regarding the sale of the retired ladder truck, which had been placed on an Internet auction site for potential sale. Chief Hephner discussed the salvage value of the truck and the options available to the city if the truck was not sold at auction.

Hillsdale County Commissioner Ruth Brown encouraged residents with Comcast cable television issues to complete a form that included their name, address, and problems with the television service. Ms. Brown stated the complaints would be addressed with the assistance of State Senator Mike Shirkey.

Mr. Joseph Hendee noted Council Member Zeiser appeared to have been un-engaged and sending electronic messages during the meeting. Mr. Hendee also requested information on road funding within the TIFA district.

Mr. Jack McLain, 1445 South Bunn Road, discussed the proposed sign ordinance and encouraged amended language be used for greater clarification of the zoning rules. Mr. McLain also discussed the city's liability should the retired ladder truck be donated to a training center and an injury occur. Mr. McLain discussed the importance of address signs on all buildings within the city.

Council Comments

Council Member Sharp noted the city would require an indemnity agreement, should it decide to donate the retired ladder truck to third party.

Council Member Zeiser objected to Mr. Hendee's accusations and other attacks that Mr. Hendee had posted on social media.

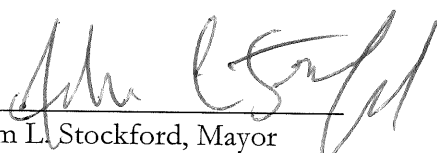
Council Member Stuchell thanked all those involved with the new mural that had been painted on the railroad overpass on East Bacon.

Council Member Bell discussed the differences that were evident in public sector discussions and encouraged everyone to concentrate on the most important matters in life, such as faith and family.

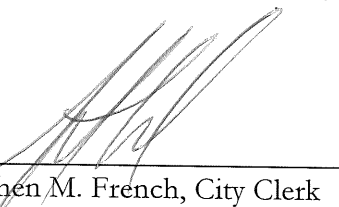
Adjournment

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

The meeting adjourned at 9:14 p.m.



Adam L. Stockford, Mayor



Stephen M. French, City Clerk