

**CITY COUNCIL MINUTES**

City of Hillsdale  
Council Chambers  
August 6, 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 Bruce Sharp, Ward 3 William Zeiser, Ward 3 Matthew Bell, Ward 4 Raymond Briner, Ward 4
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Council Members absent:	Timothy Dixon, Ward 2 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 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 Hill (Library), Mary Wolfram (Hillsdale Policy Group), Robert Socha, Curtis & Earlon Carver, John Gardner, Kristi Fraga, Roberta Jennings, Scott Pienta, Jack McLain, Joseph Hendee, Ted Jansen, and Penny Swan.

**Council Member Excused**

Mayor Stockford reported Council Member Dixon and Council Member Morrissey would not be able to attend the meeting due to work obligations.

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

**Approval of Agenda**

Council Member Sharp, seconded by Council Member Bell, moved to approve the August 6, 2018 agenda as presented.

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

Motion passed 6-0.

**Public Comment**

Mr. Joseph Hendee, 181 Rea Street, alleged it was a conflict of interest for Council Members associated with Hillsdale College to vote on any matters pertaining to the college. Mr. Hendee questioned the city’s plans regarding the properties that had been foreclosed due to outstanding tax liens. Mr. Hendee then voiced support for the development of a Charter Review Commission and requested that an ethics section be proposed with any charter amendments.

Mr. Jack McLain, 1445 South Bunn Road, noted a discrepancy in the Planning Commission minutes regarding the attendance of Mr. Sam Nutter at the meeting.

Ms. Penny Swan, 191 North West Street, voiced support for the development of a Charter Review Commission.

**Consent Agenda**

- A. Approval of Bills
  - 1. City Claims of July 27, 2018: \$89,018.56
  - 2. BPU Claims of July 27, 2018: \$62,439.13
  - 3. Sewer Fund Claims of July 27, 2018: \$364,449.06
  - 4. Payroll of July 21, 2018: \$159,290.67
- B. July 2018 Code Enforcement Report
- C. Park Use Agreement – Molly’s Glitter Run
- D. July 2018 Board of Review Minutes and Summary
- E. Planning Commission Meeting Minutes of June 19, 2018
- F. TIFA Targeted Development Committee Minutes of June 5 and June 26, 2018
- G. TIFA Meeting Minutes of May 15, 2018
- H. Noise Variance Request from Hillsdale College – September 28, 2018

Prior to voting on the motion, Council Member Bell requested clarification if Mr. Nutter was in attendance at the Planning Commission meeting. After it was noted Mr. Nutter was absent from the meeting, Council Member Bell requested the Planning Commission minutes be amended to correct this error.

At the request of Council Member Bell, City Attorney Lovinger discussed Mr. Hendee’s comments in regards to conflict of interest. Attorney Lovinger discussed the actions of Council that are of a judicial or quasi-judicial nature, and other issues brought before Council that are of an administrative nature.

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

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

Motion passed 6-0.

**Communications/Petitions**

- A. Hillsdale County Treasurer’s Communication re: Foreclosed Properties
- B. Fall 2018 City Newsletter
- C. Michigan Municipal League (MML) Communication re: Road Funding
- D. Hillsdale Community Library – Summer Reading Program
- E. Center for Family Health Press Release

The communications were received for informational purposes only.

City Manager Mackie reviewed the current status of 23-25 N. Broad Street and noted the property had been foreclosed by Hillsdale County for unpaid property taxes. City Manager Mackie stated the property was scheduled for public auction on September 12, 2018 with a minimum bid of \$55,000.

**Introduction and Adoption of Ordinances/Public Hearings**

There was no Ordinances or Public Hearings on the agenda.

**Unfinished Business**

There was no Unfinished Business on the agenda.

**Old Business**

A. Teamsters, Local 214 Bargaining Agreement

HR Director Kay Freese reviewed the proposed bargaining agreement, which had been amended to include a Dial-a-Ride Transportation (DART) addendum. Director Freese stated additional language was added to note that the wage scale in Section 8 of the addendum would only be effective for new hires after July 1, 2018. Director Freese noted all references to Power Plant employees were removed from the agreement, as those employees were no longer included in the Teamsters union.

Council Member Sharp, seconded by Mayor Stuchell, moved to approve the Teamsters, Local 214 Bargaining Agreement as presented.

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

Motion passed 6-0.

**New Business**

A. Consideration of Comcast Franchise Agreement

City Manager Mackie reviewed the proposed franchise agreement with Comcast for cable television services within the City of Hillsdale. City Manager Mackie noted the 10-year agreement would allow the city to collect an annual service provider fee of 5% of the total fees collected by Comcast, which totaled approximately \$82,000 per year. City Manager Mackie stressed the city did not have control over the consumer's costs for cable television, nor did the agreement preclude any other provider from offering cable television services throughout the city.

Council Member Bell, seconded by Mayor Stuchell, moved to approve the Uniform Video Service Local Franchise Agreement with Comcast and maintain a 5% annual video service provider fee.

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

Motion passed 6-0.

B. Resolution No. 3348: Resolution under Public Act 132 of 1999 - Certification of Abandoned Property for Accelerated Forfeiture Act

City Manager Mackie reviewed the staff recommendation to adopt a resolution to accelerate the forfeiture of properties located at 178 Griswold Street and 135 West South Street. City Manager Mackie stated both properties were in bankruptcy proceedings and had been abandoned through the court system. City Manager Mackie stated the staff recommendation would allow the city to obtain access to the properties for reuse and rehabilitation.

Responding to a question from Council Member Sharp, City Manager Mackie noted a baseline environmental study had been performed on the properties, which showed some levels of contamination on the sites.

Council Member Bell, seconded by Mayor Stuchell, moved to adopt Resolution No. 3348: Resolution under Public Act 132 of 1999 - Certification of Abandoned Property for Accelerated Forfeiture Act.

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

Motion passed 6-0.

C. Resolution No. 3349: Resolution Authorizing Action In Furtherance of the Fiber to the Premise Project Pursuant to and In Accordance With the Provisions of Act 48 of the Public Acts of the State of Michigan

City Manager Mackie explained the staff recommendation, which would permit the city to solicit bids for the construction of a “Fiber to the Premise” or a 5-G, large scale wireless network project throughout the city. City Manager Mackie stated if three responses were not received, the city would then review an alternative option through a cost-benefit analysis, which would determine the financial options for the city to lead the construction and implementation of the program. City Manager Mackie stated the BPU Board has recommended the allocation of up to \$25,000 for legal fees and professional costs for the project. City Manager Mackie noted the leadership of the city was necessary after the private contractor had failed to progress on the fiber network construction.

Council Member Bell voiced support for the city to release the request for proposals, but argued against the city being directly involved in constructing and supplying Internet service to the residents. Council Member Bell noted the city had many other priorities that required Council and staff attention more than supplying Internet service. Council Member Bell encouraged Council to amend the resolution to require specific Council approval for the cost-benefit analysis, should the request for proposals be insufficient.

By consensus, Council Members amended the resolution to include the requirement of specific Council approval for the cost-benefit analysis, should the request for proposals be insufficient.

Council Member Bell, seconded by Mayor Stockford, moved to adopt Resolution No. 3349: “Resolution Authorizing Action in Furtherance of the Fiber to the Premise Project Pursuant to and In Accordance With the Provisions of Act 48 of the Public Acts of the State of Michigan” as amended.

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

Motion passed 6-0.

D. Set a Public Hearing for August 20, 2018 regarding an Application for Industrial Facilities Tax Exemption Certificate at 260 Industrial Dr. for Precision Gage, LLC

City Manager Mackie reviewed the application submitted by Precision Gage, LLC for a tax exemption certificate for a project estimated at \$1,715,000 in the city’s Industrial Park. City Manager Mackie stated the city would forego an estimated \$62,000 in tax revenue throughout the 12 year period of the certificate.

Council Member Bell, seconded by Council Member Sharp, moved to set a Public Hearing for August 20, 2018 regarding an application for Industrial Facilities Tax Exemption Certificate at 260 Industrial Dr. for Precision Gage, LLC

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

Motion passed 6-0.

E. Contract for Certified Grant Administrator (CGA) Dawn Theater Grant

Ms. Wolfram provided information regarding a proposed contract with Hagar Consulting in the amount of \$35,000 to be the grant administrator for the Michigan Economic Development Corporation’s (MEDC) grant for blight elimination of the Dawn Theater. Ms. Wolfram noted the fees charged by Hagar Consulting would be paid with grant proceeds over-and-above the \$1.3 million grant received for the Dawn Theater project.

City Manager Mackie also requested Council schedule a public hearing on for August 20, 2018, which was a necessary step in receiving the grant from MEDC.

Council Member Sharp, seconded by Council Member Bell, moved to approve a contract with Hagar Consulting in the amount of \$35,000 to be the grant administrator for the Michigan Economic Development Corporation’s (MEDC) grant for blight elimination of the Dawn Theater; and, to schedule a public hearing for August 20, 2018 in regards to the MEDC grant for the project.

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

Motion passed 6-0.

F. 2018 Archery Deer Hunt within the Hillsdale City Limits

Chief Hephner presented a staff recommendation to allow an archery deer hunt within the City of Hillsdale in 2018. Chief Hephner stated the available public land for hunting would be the same as 2017, which saw a total of 38 deer harvested through the program. Chief Hephner stated any changes to the program would be administrative in nature, which would allow the city to cover its actual costs, in addition to receiving confirmation from private property owners that hunting was permitted on those sites.

Chief Hephner reported the city had not received any complaints or problems associated with this program in previous years.

Council Member Zeiser, seconded by Council Member Sharp, moved to approve the 2018 Archery Deer Hunt as presented by city staff.

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

Motion passed 6-0.

G. Purchase of Traffic Control Devices

DPS Director Hammel reviewed a staff recommendation to purchase new vehicular and pedestrian traffic controls devices from H.T. Moriarty Co. at a cost of \$23,615.00. Director Hammel stated the new controls were necessary to comply with state and federal regulations for use in street work closures, sidewalk repairs, special events, parades, and run/walks. Director Hammel reported the expenditure was included in the FY2019 budget.

Council Member Bell, seconded by Council Member Sharp, moved to approve the purchase of traffic control devices from H.T. Moriarty Co. at a cost of \$23,615.00.

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

Motion passed 6-0.

H. Amendment to MERS Defined Benefit Plan Adoption Agreement

HR Director Freese reviewed the proposed adoption agreement that was included in the approval of the new City Manager's employment agreement. Director Freese reported the recommended Council action would be to accept the MERS valuation of the financial impact transferring City Manager Mackie from Division 13 to Division 15; and, adopting an amendment to the Defined Benefit Plan Adoption Agreement for Division a multiplier of 2.5%.

Responding to a question from Council Member Bell, Director Freese noted the City Manager would be the only employee eligible for the Division 15 designation.

Council Member Bell, seconded by Council Member Stuchell, moved to accept the MERS valuation of the financial impact transferring City Manager Mackie from Division 13 to Division 15 and adopt an amendment to the Defined Benefit Plan Adoption Agreement for Division a multiplier of 2.5%.

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

Motion passed 6-0.

#### I. Creation of Charter Commission

Mayor Stockford noted the development of a Charter Review Commission was discussed during the August 1, 2018 Special Meeting. City Manager Mackie then reviewed the information provided in the Council packet that included an article from the MML entitled “The Role of the Charter Commission.”

City Attorney Lovinger reviewed the process for updating a charter, which included review by the State of Michigan Attorney General’s Office prior to final consideration by the voters.

City Manager Mackie noted the charter review process was not a quick process, while Clerk French noted the next regularly scheduled election was set for November 2020.

By consensus, Council Members agreed to refer this issue to the Operations and Governance Committee for further review.

#### General Public Comment

Mr. Dennis Wainscott voiced support for the proposed Charter Commission and volunteered to be a member of the committee. Mr. Wainscott stated he harbored no ill-will towards the City Council or individual staff members for filing a writ of mandamus in regards to the Ward 1 candidate issue for the August 7, 2018 Primary Election. Mr. Wainscott encouraged all eligible residents to exercise their right to vote on August 7th.

Mr. Joseph Hendee encouraged the city to re-introduce the program which provided the residents free vouchers for use at the city’s transfer station. Mr. Hendee also noted some on-going issues with inaccurate information on the city’s BS&A software site. Mr. Hendee provided the Clerk French with pending lawsuits that he had discovered involving Hillsdale Hospital and the City of Hillsdale’s Police Department.

Ms. Carver, 30 Warren Avenue, requested city assistance with an issue involving a storm-sewer issue at 1500 South Hillsdale Street. Ms. Carver discussed problems with the property owner on South Hillsdale Street and a pond that had been drained. Ms. Carver also noted the city had expended funds to install a catch basin near the property in response to this issue.

Mr. Jack McLain raised various questions regarding a section of the City Charter that referenced conflict of interests. Mr. McLain also questioned if the revenue received from the cable television contract should be deposited into the city’s Street Fund. Mr. McLain finalized his comments by discussing the number of Planning Commission members that were active for the November 17, 2017 meeting.

#### Miscellaneous Reports

City Manager Mackie reported:

1. The Hillsdale Municipal Airport would hold its annual “Fly-In” on September 9, 2018, which would include a pancake breakfast, static displays, airplane rides, and a scheduled F-16 fly-by.

2. The city was accepting applications for full-time police officer positions.
3. The city had received a new Dial-a-Ride Transportation (DART) bus, which had been placed in service.
4. The Public Service Department had received three, new plow trucks and would soon be placed in service.
5. The annual city audit would begin in late August or early September for the 2018 fiscal year.

Council Member Sharp requested information on the leaf pick-up program that was referenced in the recent city newsletter. DPS Director Hammel noted the early autumn pick-up included brush as well as leaf collection, while any delay of leaf pick-up schedule hindered the department's preparation for snow removal. Director Hammel also reported the sidewalk program included in the FY2019 budget would most likely be implemented in the Spring of 2019.

Council Member Sharp also requested an update on the Request for Proposals (RFP) for residential trash collection. City Manager Mackie stated the bid documents should be ready for release by the end of August and would be distributed in concert with the City of Jonesville.

Responding to a question from Council Member Zeiser, DPS Director Hammel discussed the cost savings if the city required residents to bag their leaves prior to pick-up by city staff. Director Hammel noted the city's compost site remained open for residents to dispose of their leaves and brush.

DPS Director Hammel also provided an update on the city's chip-seal program for road maintenance. Director Hammel stated the sealing would conclude with the fog-coat by the end of the week.

### **Council Comments**

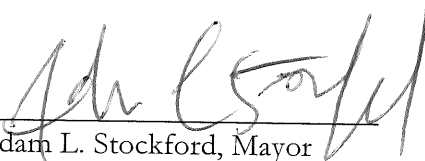
Council Member Bell referenced the applicable City Charter sections that referenced conflict of interests of Council Members.

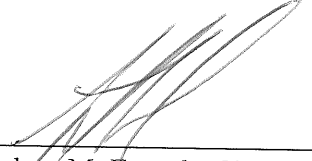
Mayor Stockford noted a recent conversation he had with Mr. Scott Pienta regarding the redevelopment of the City of Hillsdale's public access television channel. Mayor Stockford stated the reintroduction of the channel could be used by the city to promote city events and meetings.

### **Adjournment**

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

The meeting adjourned at 8:52 p.m.

  
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Adam L. Stockford, Mayor

  
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Stephen M. French, City Clerk