



Hastings City Council

Communication

Date: April 10, 2020

To: Honorable Mayor Dave Tossava, Members of the Hastings City Council, City Attorney and Administrative Staff

From: Jerry Czarnecki, City Manager

Subject: Information – Monday April 13, 2020 Regular Meeting of the Hastings City Council

We continue to work under the Governor’s Stay-At-Home Executive Order to navigate through this COVID-19 Pandemic. The meeting for Monday night will again be virtual, please let me know if you have issues accessing the meeting. Two suggestions: (1) try to access the meeting prior to Monday night, this will make sure you have downloaded any programs that are needed; and (2) Council members should choose to access audio by telephone and call it to the number provided. This will eliminate any lag time for comments from Council members due to internet speed.

Items on the agenda for Monday night’s regular meeting of the Hastings City Council have been abbreviated and now include:

Ordinances

Council will be approving the minutes of March 9, 2020 regular meeting and march 23, 2020 electronic meeting.

There are two public hearings scheduled for Monday night.

1. The first is to consider amendments to Chapter 82 for the regulations of wells in the City of Hastings.

Chapter 82 already has regulations on septic tanks and requirements for the connections to the sewer system. These are in line with the regulations from the State and County. In discussion with the State and County, they leave the regulation of wells and requirements to connect to water systems to the municipalities. This ordinance was drafted to model the one in place for the City's sewer system. Rhoades-McKee assisted in the drafting of the ordinance.

Council will be also asked to use their option granted by the City Charter to declare this an emergency ordinance to go into effect immediately. This will require a vote with not less than six members of the Council voting in the affirmative. The link below will take you to the section in the City Charter.

<https://hastings.municipalcodeonline.com/book?type=ordinances#name=Sec 7.3 City Code>

This is being requested because the regulation of wells and requirements for connection to the water system will help to protect to City's water system and the aquifer by limiting the opportunities and regulating when wells can be utilized.

2. The second is to consider amendments to Chapter 22 and Chapter 52 to extend the expiration date of prohibition on marihuana establishments.

Please let me know if you have any questions prior to the meeting on Monday.

See you Monday night!

City of Hastings
COUNTY OF BARRY, STATE OF MICHIGAN

City Council Agenda
April 13, 2020

1. Regular meeting called to order at 7:00 PM.
 2. Roll call.
 3. Pledge to the flag.
 - * 4. Approval of the agenda.
 - *√ 5. Approval of the minutes of the March 09, 2020 regular meeting and March 23, 2020 Electronic Meeting.
 6. Open public discussion regarding matters not on the agenda.
 - √ 7. Public Hearings:
 - * A. Public Hearing to hear comments and make determination regarding amendments to Chapter 82 for the regulation of wells in the City of Hastings.
 1. Declare ordinance an emergency ordinance and adopt ordinance to go into effect immediately.
 - * B. Public Hearing to hear comments and make determination regarding text amendments to Chapter 22 and Chapter 53 to extend expiration date of prohibition on marihuana establishments.
 8. Open Public Discussion from the Floor:
 9. Mayor and Council comment:
 10. Adjourn.
- * Items with enclosures.
√ Motion under agenda heading requires roll call vote.

Guidelines for Public Comment

Public Comments is welcomed and appreciated. Please follow these simple guidelines to ensure all have an opportunity to be heard.

All comments and questions will be made through the chair. All comments will be made in a courteous and civil manner; profanity and personal attacks will not be tolerated. Please limit the length of your comments to 3 minutes. If you are a member of a group, please appoint a spokesperson to speak on behalf of the group (those speaking on behalf of a group may be provided additional time). Please state your name before offering comment.

City of Hastings
COUNTY OF BARRY, STATE OF MICHIGAN

City Council Minutes
March 9, 2020

1. Regular meeting called to order at 7:00 PM by Mayor Tossava in Council Chambers at City Hall.
2. Present at roll call were Councilmembers: Bowers, Jarvis, Maupin-Moore, McNabb-Stange, Redman, Resseguie and Tossava.

Motion by Resseguie, with support by McNabb-Stange, to excuse Councilmembers Cary and Smith.
All ayes. Motion carried.

City Staff and Appointees Present: Pratt, Gergen, Saurman, King, Hemerling and Fekkes.
3. Pledge to the flag.
4. Approval of the agenda.

Motion by Redman, with support by Jarvis, to approve the agenda as presented.
All ayes. Motion carried.
5. Approval of the minutes of the February 24, 2020 regular meeting.

Motion by McNabb-Stange, with support by Redman, to approve the minutes of February 24, 2020 as presented.
6. Open public discussion regarding matters not on the agenda.

Citizens at 127 S. Washington Street spoke to feral cat situation on their property.
7. Proclamations: (None).
8. Public Hearings: (None).
9. Formal presentations and requests:
 - A. Consider request from Megan Lavell Thornapple Arts Council to solicit donations at the Thornapple Plaza and the Spray Plaza during the 2020 program season, including the Jazz Festival April 23-25, 2020.

Motion by McNabb-Stange, with support by Jarvis, to approve Thornapple Arts Council to solicit donations at the Thornapple Plaza and Spray Plaza (with no can circulated around the Spray Plaza only set out).

Ayes: Bowers, Jarvis, Maupin-Moore, McNabb-Stange, Redman, Resseguie and

Tossava.
 Nays: None.
 Absent: Cary and Smith.
 Motion carried.

- B. Consider request from the Gus Macker Organizing Committee for permission to hold the 9th Annual Hastings Gus Macker 3 on 3 Basketball Tournament in Hastings on July 10-12, 2020.

Motion by McNabb-Stange, with support by Jarvis, to approve the request as presented.

Ayes: Bowers, Jarvis, Maupin-Moore, McNabb-Stange, Redman, Resseguie and Tossava.
 Nays: None.
 Absent: Cary and Smith.
 Motion carried.

10. Recommendations from other Boards:

- A. Approval of Final Site Plan for Kendall Place Limited Dividend Housing Association, LLC for property at 326 W. State St. as recommended by City of Hastings Planning Commission.

Motion by Resseguie, with support by Redman, to approve as presented.

Ayes: Bowers, Jarvis, Maupin-Moore, Redman, Resseguie and Tossava.
 Nays: McNabb-Stange.
 Absent: Cary and Smith.
 Motion carried.

- B. Approval of Final Site Plan for EWB Properties, LLC for property at 400 W. State St. and 410 W. State St. as recommended by City of Hastings Planning Commission.

Motion by Resseguie, with support by Maupin-Moore, to approve as presented.

Ayes: Bowers, Jarvis, Maupin-Moore, McNabb-Stange, Redman, Resseguie and Tossava.
 Nays: None.
 Absent: Cary and Smith.
 Motion carried.

11. Ordinances:

- A. First reading of **Ordinance No. 584** for the rezoning of property at 1500 Star School Rd. from D-2 to PUD and additional provisions for the addition to the PUD as recommended by the City of Hastings Planning Commission.

Ordinance No. 584 was read.

- B. First reading of **Ordinance No. 585** to amend chapter 70 of the Code of Ordinances

allowing for Tax Exemption for project at 326 W. State St.

Ordinance No. 585 was read.

12. Resolutions:

- A. Consider Budget Amendment request to the Library's Building and Maintenance Fund from Library Director Hemerling for the amount of \$25,200, and adoption of **Resolution 2020-06**.

Motion by McNabb-Stange, with support by Resseguie, to adopt **Resolution 2020-06** as amended.

Ayes: Bowers, Jarvis, Maupin-Moore, McNabb-Stange, Redman, Resseguie and Tossava.
 Nays: None.
 Absent: Cary and Smith.
 Motion carried.

13. Appointments: (None).

14. Bids, Contracts, Agreements, and Sales:

- A. Consider proposal from Hubbell, Roth, & Clark for \$15,800 to support the City in compliance with the Administrative Consent Order between EGLE and the City of Hastings as recommended by Director of Public Services Gergen.

Motion by Resseguie, with support by McNabb-Stange, to approve the proposal as presented.

Ayes: Bowers, Jarvis, Maupin-Moore, McNabb-Stange, Redman, Resseguie and Tossava.
 Nays: None.
 Absent: Cary and Smith.
 Motion carried.

- B. Consider proposal to repair the Bandit Woodchipper for \$18,995.97 as recommended by Director of Public Services Gergen.

Motion by Redman, with support by Jarvis, to approval the proposal as presented.

Ayes: Bowers, Jarvis, Maupin-Moore, McNabb-Stange, Redman, Resseguie and Tossava.
 Nays: None.
 Absent: Cary and Smith.
 Motion carried.

- C. Consider and award bid to A-1 Asphalt for \$85,327.00 to resurface State St. between Broadway and Michigan Ave. as recommended by Director of Public Services Gergen.

Motion by McNabb-Stange, with support by Resseguie, to award bid as presented.

Ayes: Jarvis, Maupin-Moore, McNabb-Stange, Redman, Resseguie and Tossava.
 Nays: Bowers.
 Absent: Cary and Smith.
 Motion carried.

15. City Manager's report:

- A. Public Services Director Gergen presented his monthly report.
- B. Fire Chief Caris's monthly report in the packet for review.
- C. Library Director Hemerling presented her monthly report.
- D. Consider setting a Public Hearing for 7:00 PM on Monday, March 23, 2020 to hear comment regarding amendments to Chapter 82 for the regulation of wells in the City of Hastings.

Motion by McNabb-Stange, with support by Redman, to set Public Hearing as requested.

All ayes. Motion carried.

- E. Consider setting a Public Hearing for 7:00 PM on Monday, March 23, 2020 to hear comment regarding text amendments to Chapter 22 and Chapter 53 to extend the expiration date of prohibition on marihuana establishments.

Motion by Redman, with support by Maupin-Moore, to set Public Hearing as requested.
 All ayes. Motion Carried.

- F. Consider authorizing staff to work with Neo Network to draft an agreement to partner in the managing and regulation of DAS/Small Cell equipment in the City of Hastings.

Motion by Resseguie, with support by Jarvis, to work with Neo Network as presented.

Ayes: Jarvis, Resseguie and Tossava.
 Nays: Bowers, Maupin-Moore, McNabb-Stange and Redman.
 Absent: Cary and Smith.
 Motion failed.

16. Consent items without individual discussion.

- A. Invoices: (None).
- B. Draft Minutes Barry County Board of Commissioners February 25, 2020.
- C. Draft Minutes Barry County Central Dispatch January 27, 2020.
- D. Draft Minutes LDFA February 27, 2020.
- E. WOW Letter February 27, 2020 – Cost Increases.
- F. Draft Minutes Planning Commission March 2, 2020.
- G. Draft Minutes Hastings Public Library Board of Trustees March 2, 2020.
- H. Barry County Central Dispatch 1st Quarter Breakdown Summary 2020.
- I. Event Calendar March 2020.

Motion by Redman, with support by Resseguie, to receive and place on file Item #16.B. through Item #16.I. inclusive.

All ayes. Motion carried.

17. City Attorney's Report:

None.

18. Legislative Director's Report:

None.

19. Open Public Discussion from the Floor:

Jim James made remarks to Council.

20. Mayor and Council comment:

Council Members Redman, Resseguie, Jarvis, Bowers, McNabb-Stange, Maupin-Moore, and Mayor Tossava offered closing remarks.

21. Adjourn.

Motion by Redman, with support by Resseguie, to adjourn at 8:34 PM.

All ayes. Motion carried.

Read and Approved:

David J. Tossava, Mayor

Jane M. Saurman, City Clerk

ORDINANCE NO. 586

AN ORDINANCE TO AMEND DIVISION 82-III-1 OF THE CITY'S CODE OF ORDINANCES TO REQUIRE CONNECTIONS TO THE PUBLIC WATER SUPPLY SYSTEM AND TO REGULATE THE USE OF PRIVATE WELLS

The City of Hastings ordains:

Section 1. Purpose.

The City Council finds that it is in the City's best interests to protect and promote the health, safety and welfare of the City by assuring its residents and property owners an adequate and reliable supply of water on a continuous basis for household, drinking and all other purposes. The City adopts this Ordinance to provide further assurances of compliance with state and federal safe drinking water laws and other applicable laws and regulations.

Section 2. Requirements for Connection to the Public Water Supply System.

A. Mandatory Connection to Public Water Supply System. All owners of buildings using or requiring a water supply, which are located within the City, are hereby required at their expense to install suitable plumbing fixtures and connect such fixtures directly to an available water main, as determined by the City, which is part of the City public water supply system. The City may require such owners, pursuant to authority conferred upon the City by law or ordinance, to make such installations and connections.

B. Connection of New Construction to Water System. All owners of properties located in the City which are presently undeveloped and which are hereafter improved by a building using or requiring water supply are hereby required at their expense to install suitable plumbing fixtures and connect such fixtures directly to an available public water, main as determined by the City, which is part of the City's public water supply system. The City may require such owners, pursuant to authority conferred upon the City by law or ordinance, to make such installations or connections.

C. Connection of Existing Improved Properties to Water System. Owners of an existing building using or requiring water supply, which are located in the City and which are currently served by a private water well, shall not be required to connect to an available public water main and use the City's public water supply system until such time as:

- (1) a new private water well is required;
- (2) the existing private water well fails to the extent it would be necessary to drill a replacement well;
- (3) an existing single family or multiple family residence has changed from a residential to a nonresidential use;

(4) connection of all improved properties within the area in which the property with the private well is located is declared a necessity by the City for the public health, safety and welfare; and

(5) the private water well is no longer in compliance with the City's ordinance, or any other county, state or federal ordinances rules, regulations, laws or statutes.

Section 3. Public Water System Connection Deadline.

All connections to the City's public water supply system required under this Ordinance shall be completed no later than six (6) months after the date of notice by the City to make the connection or the occurrence of one of the conditions stated in Section 2. C. of this Ordinance. Newly constructed buildings required to connect shall be connected prior to occupancy of the building.

Section 4. Enforcement for Failure to Connect to Water System.

In the event a required connection to the public water supply system is not made within the time provided in Section 3 of this Ordinance, the City shall require the connection to be made immediately upon notice given by certified mail on the property. The notice shall give the approximate location of the available water main and shall advise the owner of the property of the requirement and enforcement provisions of this Ordinance. In the event the required connection is not made within sixty (60) days after the date of mailing or posting of this written notice, the City may bring an action in a court of competent jurisdiction for a mandatory injunction or court order to compel the property owner to immediately connect the property to the public water supply system.

Section 5. Private Water Wells.

A. Pursuant to its authority under the City Charter to regulate the public health, safety and welfare of persons and property and the Municipal Water Supply Systems Act, which is Public Act 196 of 1952, as amended,, the City determines in order to provide a safe and reliable supply of public water, it is necessary to prohibit the drilling of private wells in the City. Effective immediately, no new wells shall be drilled on any property in the City, except subject to the exception stated in subsection B below.

B. A new private well may be drilled provided an available water main which is part of the City's public water supply system is not located within two hundred (200) feet of the existing building or building to be constructed on the property , as determined by the City. If the new private well is drilled to replace an existing private well, the existing private well must first be plugged and abandoned in compliance with the requirements of the Barry County Health Department and all applicable laws, including the Michigan Safe Drinking Water Act and the Michigan Water Well Construction and Pump Installation Code and related administrative rules. The new private well must comply with all permitting and other legal requirements of the Barry County Health Department and applicable state and federal regulations and statutes.

C. Upon connection to the City's public water supply system, any private water well formerly serving a building or property shall be properly plugged and abandoned to prevent the private water well from becoming a health hazard or nuisance or in any way serving as a conduit for contamination of groundwater. The plugging and abandonment of the well shall be in compliance with the requirements of the Barry County Health Department and all applicable laws, including the Michigan Safe Drinking Water Act and the Michigan Water Well Construction and Pump Installation Code and related administrative rules.

Section 6. Powers of Director of Public Services.

The Director of Public Services is empowered to oversee the implementation of this Ordinance and to:

- A. Investigate complaints of violations of this section and maintain a record of the investigations, complaints and observations;
- B. Issue notices of violation requiring compliance with this section;
- C. Make recommendations to the City for amendments to this section as required, or as necessary;
- D. Encourage voluntary cooperation with this section.

Section 7. Notices.

Whenever the Director of Public Services determines that a water main is available for any new or pre-existing structure, or determines that a potential violation of this section has or is occurring, the Director of Public Services may serve upon such individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, legal entity, or their legal representatives, agents or assigns, a written notice stating the availability of a water main or the nature of the violation and provide a reasonable time limit for correction of any violation.

Severability.

The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance, other than the section or provision so declared to be unconstitutional or invalid.

Inconsistent Ordinances.

All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.

This ordinance shall become effective upon its adoption and publication as provided by City Charter.

Moved by Member , that Ordinance No.586 be adopted as read.

YEAS:

NAYS:

ABSENT:

CITY OF HASTINGS

Adoption Date:

Effective Date:

First Reading:

Second Reading:

By: Jane Saurman
Hastings City Clerk

CERTIFICATE

The undersigned, being the duly qualified and acting Clerk of the City of Hastings, Michigan, does hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Hastings City Council, of the City of Hastings, at a regular meeting of the City Council on the day of 2020, at which meeting a quorum was present and remained throughout, and that the original of said Ordinance is on file in the records of the City of Hastings. I further certify that the meeting was conducted and public notice was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Jane Saurman
City Clerk

CITY OF HASTINGS
COUNTY OF BARRY, STATE OF MICHIGAN

ORDINANCE NO. 587
AN ORDINANCE TO AMEND SECTION 22.82 OF ARTICLE IV OF CHAPTER 22
OF THE HASTINGS CODE OF 1970

THE CITY OF HASTINGS ORDAINS:

SECTION I.

Section 22.82 of Article IV of Chapter 22, of the Code of Ordinances, City of Hastings, Michigan, is added to read as follows:

CHAPTER 22 - BUSINESSES

ARTICLE IV. – RECREATIONAL MARIHUANA

Section 22.82 Expiration.

Unless the City of Hastings acts to extend the prohibitions enacted herein, this Ordinance and the prohibitions contained herein shall expire on **May 31, 2021**.

SECTION II.

If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION III.

All ordinances or part of ordinances in conflict herewith are hereby repealed.

SECTION IV.

This ordinance shall become effective upon its adoption and publication as provided by City Charter.

Moved by Member _____, with support by Member _____, that
Ordinance No. 587 be adopted as read.

YEAS:

NAYS:

ABSENT:

CITY OF HASTINGS

Adoption Date:

Effective Date:

First Reading:

Second Reading:

By: Jane Saurman
Hastings City Clerk

CERTIFICATE

The undersigned, being the duly qualified and acting Clerk of the City of Hastings, Michigan, does hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Hastings City Council, of the City of Hastings, at a regular meeting of the _____ on the _____, at which meeting a quorum was present and remained throughout, and that the original of said Ordinance is on file in the records of the City of Hastings. I further certify that the meeting was conducted and public notice was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Jane Saurman,
Hastings City Clerk

CITY OF HASTINGS
COUNTY OF BARRY, STATE OF MICHIGAN

ORDINANCE NO. 588
AN ORDINANCE TO AMEND SECTION 53.4 OF ARTICLE I OF CHAPTER 53
OF THE HASTINGS CODE OF 1970

THE CITY OF HASTINGS ORDAINS:

SECTION I.

Section 53.4 of Article I of Chapter 53, of the Code of Ordinances, City of Hastings, Michigan, is amended to read as follows:

CHAPTER 53 - RECREATIONAL MARIHUANA

ARTICLE I. – IN GENERAL

Section 53.4 Expiration.

Unless the City of Hastings acts to extend the prohibitions enacted herein, this Ordinance and the prohibitions contained herein shall expire on **May 31, 2021**.

SECTION II.

If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION III.

All ordinances or part of ordinances in conflict herewith are hereby repealed.

SECTION IV.

This ordinance shall become effective upon its adoption and publication as provided by City Charter.

Moved by Member _____, with support by Member _____, that
Ordinance No. 588 be adopted as read.

YEAS:

NAYS:

ABSENT:

CITY OF HASTINGS

Adoption Date:

Effective Date:

First Reading:

Second Reading:

By: Jane Saurman
Hastings City Clerk

CERTIFICATE

The undersigned, being the duly qualified and acting Clerk of the City of Hastings, Michigan, does hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Hastings City Council, of the City of Hastings, at a regular meeting of the _____ on the _____, at which meeting a quorum was present and remained throughout, and that the original of said Ordinance is on file in the records of the City of Hastings. I further certify that the meeting was conducted and public notice was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Jane Saurman, City Clerk