

City of Hastings
COUNTY OF BARRY, STATE OF MICHIGAN

CITY COUNCIL MINUTES
September 9, 2013

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

Motion by McNabb-Stange, with support by Redman, to excuse Members Bowers and Wood.
All ayes. Motion carried.

Staff and City Appointees present were: Mansfield, Emery, Sarver, Caris, Girrback, Hart, Holzwarth, and Fekkes.

3. Pledge to the Flag.
4. Approval of the agenda.

Motion by Jarvis, with support by Tossava, to approve the agenda as presented.
All ayes. Motion carried.

5. Approval of the minutes of the regular meeting of August 26, 2013.

Motion by McNabb-Stange, with support by Redman, to approve the minutes as presented.
All ayes. Motion carried.

6. Proclamations:

Campbell presented a Proclamation recognizing the work of the Barry County Chamber of Commerce to Valerie Byrnes, Jeff Mansfield, and Mike Hallifax of the Chamber Board. Byrnes appreciated working with the City and accepted the recognition.

7. Public Hearings:

A public hearing to hear comment regarding the proposed Amendment to the Brownfield Plan for the parcel at E State St and N Broadway (Walgreens).

Public hearing opened at 7:04 PM.
No comments.
Public hearing closed at 7:05 PM.

There was discussion on the Brownfield Plan and the development project.

Bret Doctor and Attorney John Byl were present for the developer. Crystal Morgan was present as the City's attorney for these plans and agreements.

McNabb-Stange asked about personal property tax capture and what happens when the State eliminates it.

John Byl, GDK Attorney, agreed that an "opener" for eliminating personal property tax would be OK.

Motion by Tossava, with support by McNabb-Stange, to approve the first amendment of the Brownfield Plan with the addition of language to the effect that the parties would negotiate a response to the elimination of personal property tax, if and when needed.

Ayes: Depue, Jarvis, McNabb-Stange, Redman, Tossava, and Campbell.

Nays: None.

Absent : Bowers and Wood.

Abstain: Jasperse.

Motion carried.

Motion by Redman, with support by Jarvis, to approve and authorize the execution of the Revenue Sharing Agreement as presented.

Ayes: Depue, Jarvis, McNabb-Stange, Redman, Tossava, and Campbell.

Nays: None.

Absent: Bowers and Wood.

Abstain: Jasperse.

Motion carried.

Motion by Tossava, with support by Redman, to approve and authorize the execution of the Reimbursement Agreement as presented.

Motion and support withdrawn following discussion.

Bret Doctor, GDK, spoke regarding approval on reimbursement requests. He wants interest expense eligible, but will agree to cap total reimbursement. He also agreed to a July 15, 2015 project completion date.

Byl is ok with cap but wants interest expense allowed so if cost is lower interest could be reimbursed.

Motion by Tossava, with support by Redman, to approve and authorize the execution of the Reimbursement Agreement subject to the following amendments:

- * \$524,725 total capture and reimbursement limit
- * interest expense would be eligible within the cap
- * eligible expenses required to be submitted for reimbursement within one (1) year of being incurred
- * "claw back" provision put back into the agreement with notice provision and an appropriate cure period

Ayes: Depue, Jarvis, McNabb-Stange, Redman, Tossava, and Campbell.

Nays: None.

Absent: Bowers and Wood.

Abstain: Jasperse.

Motion carried.

Consider **Resolution 2013-30** to approve the amended Brownfield Plan.

Motion by Redman, with support by Tossava, to approve **Resolution 2013-30** with amendments consistent with changes to the Reimbursement Agreement.

Ayes: Depue, Jarvis, McNabb-Stange, Redman, Tossava, and Campbell.
 Nays: None.
 Absent: Bowers and Wood.
 Abstain: Jasperse.
 Motion carried.

Motion by McNabb-Stange, with support by Jarvis, to amend the plan to delete revolving fund capture after project reimbursement is finished.

Ayes: Depue, Jarvis, McNabb-Stange, Redman, Tossava, and Campbell.
 Nays: None.
 Absent: Bowers and Wood.
 Abstain: Jasperse.
 Motion carried.

8. Formal presentations and requests:

- A. Tom DeVault, Executive Director for the YMCA, updated Council on the Y's activities. He spoke about summer camp, summer playground, and Play 60. In the fall, the Y will offer soccer, golf, and boat safety. He also spoke regarding co-ed volleyball and volunteer support from high school teams.
- B. Consider request from Valerie Byrnes, Hastings Farmers Market Chair, to hold annual Harvest Festival activities.

Byrnes presented request and asked to delete hayrides.

Motion by McNabb-Stange, with support by Tossava, to approve request as amended under direction of City staff.

Ayes: Depue, Jarvis, Jasperse, McNabb-Stange, Redman, Tossava, and Campbell.
 Nays: None.
 Absent: Bowers and Wood.
 Motion carried.

- C. Consider request from Sarah Smith, President, Hastings FC, to use the soccer field at Fish Hatchery Park.

Motion by Tossava, with support by Redman, to approve request under direction of City staff.

Ayes: Depue, Jarvis, Jasperse, McNabb-Stange, Redman, Tossava, and Campbell.
 Nays: None.
 Absent: Bowers and Wood.
 Motion carried.

9. Recommendations from other Boards: (None).

10. Ordinances:

- A. Second reading and consider adoption of **Ordinance No. 503** prohibiting smoking on the grounds of First Ward Park, the Splash Plaza, and Tangletown.

Motion by McNabb-Stange, with support by Tossava, to adopt **Ordinance No. 503** as presented.

Motion and support withdrawn following discussion.

Motion by McNabb-Stange, with support by Tossava, to amend Ordinance by adding the word "tobacco" after the word "smoke".

Ayes: Depue, Jarvis, Jasperse, McNabb-Stange, Redman, Tossava, and Campbell.

Nays: None.

Absent: Bowers and Wood.

Motion carried.

Redman conducted a survey of citizens with 57/100 in favor of no smoking in any park, 33/100 in favor of this ordinance and others wanted the issue left alone.

- B. First reading of **Ordinance No. 504** prohibiting smoking in parks and in other public areas.

Ordinance was read.

Mansfield suggested no smoking by the public in City buildings.

Redman suggested allowing smoking in cemetery.

11. Resolutions:

Consider **Resolution 2013-31** amending the fees for services at Riverside Cemetery.

Motion by McNabb-Stange, with support by Tossava, to adopt **Resolution 2013-31** as presented.

Motion and support withdrawn following discussion. Concern was expressed about the definition of "holiday".

12. Appointments: (None).

13. Bids, Contracts, Agreements, Abandonments, and Sales:

- A. Consider an Amendment to extend the term of lease for American Tower equipment located at the City's facility on West State Road.

Mansfield recommended approval.

Motion by McNabb-Stange, with support by Tossava, to approve and authorize the

Mayor and Clerk to sign the Amendment as presented.

Ayes: Depue, Jarvis, Jasperse, McNabb-Stange, Redman, Tossava, and Campbell.
 Nays: None.
 Absent: Bowers and Wood.
 Motion carried.

- B. Consider counter-offer to AT&T's request to extend the term of their lease for space on the North Water Tower.

Mansfield recommended offering the same terms as American Tower.

Motion by McNabb-Stange, with support by Redman, to offer the same terms as American Tower.

Ayes: Depue, Jarvis, Jasperse, McNabb-Stange, Redman, Tossava, and Campbell.
 Nays: None.
 Absent: Bowers and Wood.
 Motion carried.

- C. Consider award of bid for the purchase of radio replacements for the Police Department as recommended by Police Chief Sarver.

Motion by Jarvis, with support by McNabb-Stange, to award bid as recommended.

Ayes: Depue, Jarvis, Jasperse, McNabb-Stange, Redman, Tossava, and Campbell.
 Nays: None.
 Absent: Bowers and Wood.
 Motion carried.

14. Consent items without individual discussion:

- A. Invoices:
 Orion Construction - \$189,057.40 (Spray Plaza)
 Signature Ford, Lincoln - \$55,072.00 (Police vehicles)
 A-1 Asphalt, Inc. - \$8,308.50 (
 Peerless Midwest Inc. - \$18,600.00 (High Service Pump #3)
- B. Updated calendar of events.
 C. Combined Notice from Barry County.
 D. Draft minutes of the Hastings City/Barry County Airport Commission meeting of August 28, 2013.
 E. Draft minutes of the Barry County Board of Commissioners Committee of the Whole meeting of August 28, 2013.
 F. Community Outreach Highlights for September 2013.
 G. Draft minute of the Barry County Board of Commissioners Committee of the Whole meeting of September 3, 2013.
 H. Draft minutes of the Planning Commission meeting of September 3, 2013.

- I. Barry County Board of Commissioners meeting agenda for September 10, 2013.
- J. Programming information from WOW!

Motion by McNabb-Stange, with support by Redman, to receive and place on file Items 14.A. through 14.J. inclusive.

All ayes.

15. City Manager's Report:

- A. Director of Public Services Tim Girrback gave his monthly report.
- B. Fire Chief Caris gave his monthly report.
- C. Library Administrator Evelyn Holzwarth gave her monthly report.
- D. Dog park drinking fountain discussion.

Tossava suggested group fund raising or direct City support.
McNabb-Stange suggested drinking fountain at Skate Park also.

- E. Consider additional parking on West Apple Street.

Mansfield reviewed.

Redman suggested placement on north side.

McNabb-Stange is concerned with sight lines around parked vehicles.

MDOT is working on West State, Broadway to Heath/Green to fill cracks.

16. City Attorney's Report: (None).

17. Legislative Director's Report:

McNabb-Stange attended the GVMC meeting regarding November 4th meeting with Carl Levin and recognizing Mayor Buck of Granville for his long service. The Village of Sand Lake to join GVMC. Legislative presentations regarding transportation, Medicaid expansion, and disabled vet tax exemption.

18. Open Public Discussion from the Floor: (None).

19. Mayor and Council comment:

Jarvis spoke about ticket on handicap violation on private property.

Redman commented on citizen suggestion to use cemetery house for funeral gathering space.

Campbell reminded everyone about the WOW open meeting September 10th from 4 to 6 PM. He also said Happy Birthday to Jeff Pratt.

20. Consider Closed Session as permitted by PA 267 of 1976, Section 15.268-8(c) for strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement.

Motion by Tossava, with support by Redman, to enter into closed session at 8:48 PM as

permitted.

Ayes: Depue, Jarvis, Jasperse, McNabb-Stange, Redman, Tossava, and Campbell.
 Nays: None.
 Absent: Bowers and Wood.
 Motion carried.

Return to open session at 9:10 PM.

Motion by McNabb-Stange, with support by Redman, to approve the collective bargaining agreement with the Fire union.

Ayes: Depue, Jarvis, Jasperse, McNabb-Stange, Redman, Tossava, and Campbell.
 Nays: None.
 Absent: Bowers and Wood.
 Motion carried.

Motion by McNabb-Stange, with support by Jasperse, to approve the collective bargaining agreement with AFSCME representing DPS hourly employees.

Ayes: Depue, Jarvis, Jasperse, McNabb-Stange, Redman, Tossava, and Campbell.
 Nays: None.
 Absent: Bowers and Wood.
 Motion carried.

21. Consider amendments to the Personnel Policy.

Motion by Jasperse, with support by Redman, to approve Policy as presented.

Ayes: Depue, Jarvis, Jasperse, McNabb-Stange, Redman, Tossava, and Campbell.
 Nays: None.
 Absent: Bowers and Wood.
 Motion carried.

22. Adjourn.

Motion by Tossava, with support by Jarvis, to adjourn at 9:14 PM.

23. Read and Approved:

Franklin L. Campbell, Mayor

Thomas E. Emery, City Clerk