

Minutes of the regular meeting of the City Commission held Monday, January 25, 2016, at 7:00 p.m., in the City Commission Room.

Mayor Ling called the meeting to order and the Pledge of Allegiance was recited.

Commissioners Present: Mayor Ling and Vice Mayor Lents; Commissioners Gillis, Holton, Kulick and Madaj

Commissioners Absent: Commissioner Verleger

Others Present: City Manager Ridley, City Clerk Howard and City Attorney Smith

Proclamations and Presentations

Steve Clark, Secretary of Mid-Michigan Community Pathway Group, gave information on a complete non-motorized pathway from Ithaca to Clare.

Receipt of Petitions and Presentations

Received the following petitions and communications:

1. City Manager report on pending items.
2. Mt. Pleasant Planning Commission Minutes (December).
3. Fourth Quarter Investment Report.
4. Response to City Commission referral of 7/25/15 from the Planning Commission in regard to Mission Redevelopment Overlay Zone.
5. Report from the Planning Commission in regard to the Owner-Occupied Incentive Program.

Moved by Commissioner Holton and supported by Commissioner Kulick to approve the following items on the Consent Calendar:

1. Minutes of the regular meeting of the City Commission held January 11, 2016.
2. Bid for 2016 Water Treatment Plant treatment (bulk) chemicals as follows:
Liquid Carbon Dioxide Air Liquide \$155/ton
3. Appointments of City Commission Representatives to City boards and commissions for 2016:
Audit Commission
Jim Holton
Mike Verleger
City/CMU Student Liaison Committee
Kathleen Ling
Mike Verleger
Economic Development Corporation
Brownfield Redevelopment Authority
Kathleen Ling
Jim Holton as alternate
Principal Shopping District Board
(Downtown Development Board)
Allison Lents
4. WHEREAS, the Traffic Engineer of the City of Mt. Pleasant requests that the City Commission issue Traffic Control Order No. 2-2016 [Installation of two (2) stop signs at the new Stadium Drive connector street (between Mission Street and East Campus Drive in front of the new Courtyard by Marriott)] Said traffic control order was presented to the City Commission on January 25, 2016, for review and after reviewing said control order and being fully advised in the premises,
BE IT RESOLVED, that the City Commission approves Traffic Control Order No. 2-2016 as a permanent Traffic Control Order.
5. Received the Planning Commission recommendation on the conditional rezoning request for 210/212 W. Pickard and set a public hearing on same for February 22, 2016.
6. Resolution for a Lease Agreement with the Federal Aviation Administration (FAA) for navigation, communication and weather aides at the Mt. Pleasant

Municipal Airport and authorizing the Mayor and City Clerk to execute said agreement.

WHEREAS, the City of Mt. Pleasant and the Federal Aviation Administration (FAA) have entered into an Airport Improvement Grant Agreement; and

WHEREAS, the parties listed above have entered into an agreement providing for the construction, operation, and maintenance of FAA owned navigation, communication, and weather aids for the support of air traffic operations; and

WHEREAS, the parties consider it desirable to work in cooperation with each other in the technical installation and operation of air navigational aids; and

WHEREAS, both parties agreed the establishment, operation, and maintenance of systems for air traffic control, navigation, communication, and weather reporting is in the primary interest of safety and direct support of the ongoing operation of the Mt. Pleasant Municipal Airport.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Clerk be authorized to execute said Agreement on behalf of the City of Mt. Pleasant.

7. Set a special meeting with the Planning Commission for March 14, 2016 at 6:00 p.m. to be held in the City Commission Chambers.
8. Payrolls dated January 15, 2016 and warrants dated January 12, 13, 14, 19 and 21, 2016 all totaling \$805,736.26.

Motion unanimously adopted.

A public hearing was held on the request from Paul Clayton Collection, Inc. (Dog Central) for a Redevelopment Liquor License for 111 E. Michigan. There being no public comments or communications, the Mayor closed the public hearing.

Moved by Commissioner Holton and supported by Vice Mayor Lents to approve the resolution authorizing a Redevelopment Liquor License for 111 E. Michigan Street as follows:

WHEREAS, the City Commission has established a Redevelopment Liquor License Development District pursuant to Act 501 of Public Acts 2006 **436.1521a(1)(b)**, and;

WHEREAS, the City of Mt. Pleasant Central Business District Tax Finance Authority (CBD TIFA) and Mission/Pickard Street Downtown Development Authority (DDA) have realized considerable public and private investment within the past five years, and;

WHEREAS, the CBD TIFA and DDA districts were established under appropriate statutory provision, and;

WHEREAS, the City of Mt. Pleasant shall provide the Michigan Liquor Control Commission a map clearly outlining the boundaries of the Redevelopment Liquor License Development District, and;

Whereas, the City Commission finds that The Paul Clayton Collection, Inc. meets the local Redevelopment Liquor License policy, including:

- A substantial investment of over \$242,698,
- An increase of six part-time jobs;
- Adaptive reuse and architectural enhancement to a partially vacant building;
- Development consistent with the City's adopted goals and objectives;
- Use compatible with surrounding properties.

WHEREAS, the City of Mt. Pleasant shall provide to the Michigan Liquor Control Commission an affidavit from the City Assessor, as certified by the City Clerk, stating the total amount of public and private investment in real and personal property with the selected portion of CBD TIFA and DDA districts, which shall not be less than \$200,000 for each license requested, over the preceding time periods, and,

NOW BE IT THEREFORE RESOLVED, the City Commission hereby approves the request from the Paul Clayton Collection, Inc., "ABOVE ALL OTHERS" for a new Class C license under **436.1521a(1)(b)**, to be permitted at 111 East Michigan Street, Mt. Pleasant, Isabella County, Michigan.

Resolution unanimously adopted.

Mayor Ling made the following City Commissioner appointments to Ad-Hoc Committees.

Appointments Committee

Tony Kulick (Chair)
Lori Gillis
Allison Lents

Intergovernmental Liaison Committee

Kathleen Ling
Allison Lents
Nicholas Madaj (alternate)

Charter Committee

Nicholas Madaj (Chair)
Lori Gillis
Tony Kulick

International Relations/Sister City Committee

Kathleen Ling

Council of Governments

Lori Gillis

Mt. Pleasant Area Diversity Council

Nicholas Madaj

Property Committee

Jim Holton (Chair)
Nicholas Madaj
Tony Kulick

Moved by Commissioner Kulick and supported by Commissioner Gillis to approve the adoption of the following Resolution Nos. 1 and 2 to commence the proceedings for Special Assessment District 2-16:

SPECIAL ASSESSMENT DISTRICT 2-16
RESOLUTION NO. 1

WHEREAS, pursuant to provisions of the City Charter of the City of Mt. Pleasant and Chapter 33: TAXATION, Section 33.17 "Authority to Assess", of the Code of Ordinances, the City Commission of the City of Mt. Pleasant may commence proceedings for the making of local public improvements within the City and determine the tentative necessity thereof, and,

WHEREAS, the City Commission has tentatively deemed it to be in the public interest, health and welfare to install street lights on the East side of Douglas between Bellows and High Street and West side of University between Bellows and May Street and East side of Franklin between Bellows and May Street and West side of Lansing between Bellows and Gaylord Street, in the City, Special Assessment District No. 2-16;

NOW, THEREFORE, BE IT RESOLVED, THAT:

- The City Manager is directed to cause to be prepared a report which shall include all analysis and information required by Section 3.20 "Survey and Report", of the Code of Ordinances,
- When the aforesaid report is completed, the City Manager shall file the same with the City Clerk for presentation to the Commission.
- All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

SPECIAL ASSESSMENT DISTRICT 2-16
RESOLUTION NO. 2

WHEREAS, the City Manager has prepared a report concerning certain public improvements in Special Assessment District No. 2-16, which includes all of the information to be included by Section 33.20 "Survey and Report" of the City's Code of Ordinances; and,

WHEREAS, the City Commission has reviewed said report; and,

WHEREAS, the City Commission of the City of Mt. Pleasant determines that it is tentatively necessary to acquire and construct the public improvements in the City of Mt. Pleasant more particularly hereinafter described in this resolution;

NOW, THEREFORE, BE IT RESOLVED, THAT:

- The City Commission hereby tentatively determines that the public improvements described more particularly hereinafter provided for are necessary.
- The total cost of said improvements is estimated to be \$270,340. The amount of \$189,240 shall be spread over the special assessment district as hereinafter described as a result of benefits to be received by the affected properties in the special assessment district. The amount of \$81,100 shall be paid by the City-at-large.
- Said special assessment district shall consist of lots and parcels of land as follows: installation of street lights on the East side of Douglas between Bellows and High Street and West side of University between Bellows and May Street and East side of Franklin between Bellows and May Street and West side of Lansing between Bellows and Gaylord Street, Special Assessment District No. 2-16.
- Said estimated life of such public improvements is not less than fifteen (15) years.
- The affected properties in the special assessment district shall be assessed in accordance with the relative portion of the sum to be levied in the district, as the benefit to the parcel of land bears to the total benefit to all parcels.
- The aforesaid report shall be placed on file in the office of the City Clerk where the same shall be available for public examination.
- The City Commission shall meet on February 8, 2016 at 7:00 p.m., in the City Commission Chambers, City Hall, 320 W. Broadway St., for the purpose of hearing public input on the making of said public improvements.
- The City Clerk is hereby directed to cause notice of said hearing to be published and mailed in accordance with applicable statutory and ordinance provisions.
- All resolutions and parts of resolutions conflicting with the provisions of this resolution are hereby rescinded.

Motion unanimously adopted.

Moved by Commissioner Madaj and supported by Vice Mayor Lents to direct staff to limit the enforcement of sections 131.14(b)(4) and 131.15(b)(1) of the Mt. Pleasant Code of Ordinances until a decision can be made following a work session of the City Commission for further discussion.

AYES: Commissioners Gillis, Lents, Ling and Madaj

NAYS: Commissioners Holton and Kulick

ABSENT: Commissioner Verleger

Motion carried.

Moved by Commissioner Gillis and supported by Commissioner Kulick to approve the following resolution regarding PA269 of 2015:

WHEREAS, Governor Snyder signed into law, with immediate effect, Public Act 269 (Senate Bill 571); and

WHEREAS, both the Michigan Senate and the Michigan House of Representatives passed Senate Bill 571 December 16, 2015, just prior to recessing for the year; and

WHEREAS, one of the last minute amendments made to Senate Bill 571, without the knowledge of the Michigan Municipal League or other local government organization, and approved without any public testimony or awareness, was the new language inserted into Section 57, subsection (3); and

WHEREAS, this new law prohibits a public body, or a person acting for a public body, from using public funds or resources for the purpose of communicating any information to the electorate regarding a local ballot question that is to appear on the ballot, within 60 days of an election, and

WHEREAS, municipal elected and appointed officials have a civic and legal duty to the residents of their communities to fully inform them regarding the issues placed before them, upon which they may exercise their constitutional right to vote; and

WHEREAS, existing laws, including the former language in Section 57, and decades of guidance from the Michigan Secretary of State, already prohibit the use of public funds to advocate for or against ballot issues; and

WHEREAS, existing laws already provided for an allowance for elected and appointed officials to express their views without fear of violating the act; and

WHEREAS, because the new law bans only communication on *local* ballot issues, it creates inconsistent treatment of statewide ballot questions versus local initiatives; and

WHEREAS, there are substantial questions regarding the constitutionality and legality of the new law, including a possible ban on freedom of speech;

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of Mt. Pleasant calls for an immediate repeal of the new language in Section 57, subsection (3) of PA 269 of 2015; and

NOW, THEREFORE, BE IT FINALLY RESOLVED, that a copy of this Resolution be forwarded to the city's state representatives in the Michigan House of Representatives and the Michigan Senate.

Resolution unanimously adopted.

Moved by Commissioner Madaj and supported by Commissioner Kulick to enter into closed session pursuant to Section 8(h) of the Open Meetings Act for material exempt from discussion or disclosure by state or federal statute.

AYES: Commissioners Gillis, Holton, Kulick, Lents, Ling and Madaj

NAYS: None

ABSENT: Commissioner Verleger

Motion carried.

Announcements on City-Related Issues and New Business

Commissioner Gillis stated that she would like to see the staff investigate if the City can resume and maintain public access points to Indian Pines Park north of the Airport. She suggested that a possible memorial to John Benzinger could be placed there as well.

City Manager Ridley displayed a framed picture received from Rowe Professional Services of an aerial view of Hannah's Bark Park.

Public Comment on Agenda and Non-Agenda Items

Tammy Segal, APM Mosquito Control, announced that she and APM are available to answer questions and concerns with the mosquito control process and stated that she appreciates the opportunity to meet to discuss further in the future.

Alana Berry, 2935 Bilbrael, spoke regarding the possibility of getting lights and sidewalks put in on Crawford Road where the CMU student was killed in a hit and run last year.

Ian Elliot, SGA Liaison, spoke regarding enforcement of nuisance parties with students and would like to have more regular meetings with the City to discuss the ordinance.

The Commission recessed at 8:07 p.m. and went into a work session at 8:17 p.m.

WORK SESSION - Discussion on scope of work for Zoning Ordinance RFQ.

City Manager Ridley led a discussion on the proposed scope of work for Zoning Ordinance RFQ.

Based on general agreement, discussion, and suggestions, the Commission is fine with staff and Planning Commission moving forward with the Zoning Ordinance RFQ process.

The Commission recessed at 8:33 p.m. and went into a closed session at 8:34 p.m. A separate set of minutes was taken for the closed session. The Commission went back into open session at 9:27 p.m.

Mayor Ling adjourned the meeting at 9:28 p.m. without objection.

Kathleen Ling, Mayor

Jeremy Howard, City Clerk