

**THE CITY COUNCIL
NILES, MICHIGAN
PUBLIC HEARING
FY 2018 BUDGET
Monday, August 28, 2017, 5:50p.m.**

At 5:50 pm, Mayor Shelton asked if anyone in the audience wished to address the council on the City of Niles FY 2018 Budget. Hearing no response, the Public Hearing was closed at 5:52pm.

**THE CITY COUNCIL
NILES, MICHIGAN
PUBLIC HEARING
PROPOSED ESTABLISHMENT OF A SPECIAL ASSESSMENT DISTRICT FOR SMCAS
Monday, August 28, 2017, 5:55p.m.**

At 5:55 pm, Mayor Shelton asked if anyone in the audience wished to address the council on the proposed establishment of a Special Assessment District for Southwest Michigan Ambulance Service.

Tim Shandler mentioned that he has always supported the SMCAS proposal and asked why the voter's right is being taken away.

Kathy Zeider requested that the item be tabled until the residents have more information. She also requested an audit of the city's utility fees.

Mitch Landowski questioned, what is the share of costs? It was explained that the city is one of six municipalities that share the costs of operating SMCAS.

Chuck Harris asked if anyone has done a comparison rate with other ambulance services.

Terry Sisk asked how long the Special Assessment District will be in effect. It was determined that the district would remain in effect for a period of five (5) years.

Debbie Crain asked the council what the difference was between the proposed Special Assessment District and the \$20 per year millage residents have been paying for more than eight years.

Steve Gargis spoke in support of the SMCAS. He also challenged city residents to be more civically engaged and attend more meetings to learn about current issues.

Mayor Shelton invited residents to contact their council representatives with their concerns. The Public Hearing was closed at 6:17pm.

**CITY OF NILES
REGULAR CITY COUNCIL MEETING MINIUTES
MONDAY, August 28, 2017**

The meeting was called to order by Mayor Shelton in the City Council Chambers, 1345 East Main Street, Niles, Michigan at 6:18 p.m., August 28, 2017. The Pledge of Allegiance was led by Mayor Shelton.

PRESENT: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, William Weimer, and Mayor Nick Shelton.

ABSENT: None

STAFF: Casperson, Landgraf

CITIZEN PARTICIPATION:

Ron and Gina Barger of the Four Flags Area Chamber of Commerce thanked the City of Niles for their support of the 4th of July Fireworks event. They presented the city with a poster depicting the highlights of the evening along with a letter of appreciation.

Dee Jennings presented an idea of converting the old William's Lumber into a homeless shelter.

Kimberly Yob, real estate agent working with the owner of the Simplicity Pattern building has requested that city council consider the building for medical marijuana purposes.

PRESENTATIONS:

PROCLAMATION

Finley Family Day – Sunday, September 10, 2017

PROCLAMATION

I Buy Nearby Weekend – October 7th & 8th, 2017

CONSENT AGENDA:

1. Consideration of approving the City Council Minutes of August 14th, 2017.
2. Consideration of approving the Bills dated August 23, 2017.
3. Consideration of scheduling a public hearing for 5:55 pm on Monday, September 11, 2017 to receive input on the proposed PILOT ordinance for the Four Flags Plaza.
4. Consideration of approving the amendment of the request by RKM Fireworks Company to use the Jerry Tyler Airport Property for the purpose of conducting the Apple Festival Fireworks to also include Friday, September 29, 2017.
5. Consideration of approving a tuition payment of \$4,000.00 to the Joint Michigan Apprentice program c/o Wolverine Power Cooperative of Cadillac, Michigan.
6. Consideration of approving the emergency purchase of services to rebuild one dewatering pump at a cost of \$4,689.94 by Precision Electric, Inc. of Mishawaka, IN.
7. Consideration of accepting the quote of \$6,288.00 from Perkin Elmer of Shelton, CT for one year of preventative maintenance service on the Inductively Coupled Plasma-Mass Spectrometer (ICP) and consideration of authorizing the Utility Manager to sign the quote.
8. Consideration of approving the extension of the Enterprise Licensing Agreement with Microsoft Corporation of Redmond, WA thru Shi International Corporation for software and services at a cost of \$36,660.00
9. Consideration of approving the acceptance of a proposed utility easement as approved by Lakeland Health to provide access that is required to maintain electrical equipment.

Council Member Bertschy moved, **Council Member Boggs** supported, **MOTION CARRIED**, to approve the Consent Agenda with an addition to the August 14, 2017 minutes.

COUNCIL MEMBERS REPORT:

Council Member Skalla stated that he hasn't missed a Fort St. Joseph Archaeology Open House. He encouraged people to attend next year's open house and take advantage of the ride along the St. Joseph River in the voyager canoe.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

ADMINISTRATOR'S REPORT:

Introduction of Items for Discussion
Items for Council Action

10. Consideration of adopting a resolution to approve the proposed City of Niles FY2018 Budget.

CITY OF NILES
2017 FISCAL YEAR BUDGET
RESOLUTION #2017-08/2027

Council Member Weimer offered the following resolution and moved for its adoption, seconded by **Council Member DiCostanzo**.

WHEREAS, the City Administrator has prepared the proposed 2018 Fiscal Year Budget in conformance with the Charter of the City of Niles; and

WHEREAS, the City Council has reviewed and considered the proposed 2018 Fiscal Year Budget; and

WHEREAS, the City Council set the date of August 14, 2017 for a Public Hearing, which was properly advertised on August 18, 2017 in the *Niles Daily Star*; and

WHEREAS, the proposed 2018 Fiscal Year Budget was available for public inspection in the Office of the City Clerk for at least ten (10) days prior to the date of the Public Hearing; and

WHEREAS, the City Council adopted Resolution #2017-06/2015 on June 12, 2017, establishing various millage rates to be collected for the 2018 Fiscal Year Budget.

NOW, THEREFORE BE IT RESOLVED that for the purpose of financing the various operations and services for the 2018 Fiscal Year beginning October 1, 2017, there is appropriated from taxes, charges for services and other revenue collected, monies for the use of the various funds and departments, including salaries and wages; as prepared and submitted by the City Administrator for the 2018 Fiscal Year Budget is hereby approved and appropriated excluding the narratives in the document.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

RESOLUTION # 2017- 08/2027 DECLARED ADOPTED

11. Consideration of adopting a Resolution to Schedule a Public Hearing for 5:55 pm on Monday, September 11, 2017 to receive public input regarding the Termination of the 2001 Brownfield Plan, as amended in 2002 and known as the Niles Industrial Park Brownfield Redevelopment Plan.

**CITY OF NILES
BERRIEN COUNTY**

RESOLUTION TO HOLD A PUBLIC HEARING AND CONSIDER TERMINATING A BROWNFIELD PLAN ADOPTED BY RESOLUTION NO. 2001-03/1426 DATED MARCH 26, 2001, AS AMENDED BY RESOLUTION NO. 2002-08/1482 DATED AUGUST 12, 2002 (ALSO KNOWN AS NILES INDUSTRIAL PARK BROWNFIELD REDEVELOPMENT PLAN)

Council Member DiCostanzo, offered the following resolution and moved for its adoption, seconded by **Council Member Bertschy**.

RESOLUTION #2017- 08/2028

Pursuant to and in accordance with the provisions of Act 381 of the Public Acts of the State of Michigan, 1996, as amended:

WHEREAS, the City of Niles Brownfield Redevelopment Authority Board met in open session on March 20, 2001 and approved a Brownfield Plan for eligible property approximately 262.2 acres, composed of parcel numbers 14-170-018-020-01, 14-170-018-010-00, 14-170-018-001-01, 14-020-008-003-10, and 14-170-018-031-00 in the Niles Industrial Park; and created a Tax Increment Financing District subject to adoption by the Niles City Council; and

WHEREAS, the Niles City Council did approve and adopt the proposed Brownfield Plan and Tax Increment Financing District by Resolution No. 2001-03/1426 on March 26, 2001, and as amended by Resolution No. 2002-08/1482 on August 12, 2002; and

WHEREAS, the project proposed in the Brownfield Plan has failed to occur with respect to the eligible property for sixteen years following the date of the resolution approving the Brownfield Plan or Plan Amendment; and

WHEREAS, Act 381 of the Public Acts of the State of Michigan of 1996, as amended, in Section 14, subsection (8)(b) states

The governing body may terminate a brownfield plan or plan amendment for an eligible property if the project for which eligible activities were identified in the brownfield plan or plan amendment fails to occur with respect to the eligible property for at least 2 years following the date of the resolution approving the brownfield plan or plan amendment, provided that the governing body first does both of the following:

- (i) Gives 30 days prior written notice to the developer at its last known address by certified mail or other method that documents proof of delivery attempted.*
- (ii) Provides the developer an opportunity to be heard at a public meeting; and*

WHEREAS, the Niles Brownfield Redevelopment Authority adopted a resolution (#2017-01) on August 22, 2017, City Council Meeting 08/28/17

recommending to the Niles City Council that the Brownfield Plan be terminated; and

WHEREAS, It is the desire of the Niles City Council that the developer's opportunity to be heard at a public meeting regarding the proposed termination of the Brownfield Plan shall be held on the 11th day of September 2017, at 5:55 p.m. in Council Chambers, 1345 E. Main Street, Niles, Michigan.

NOW THEREFORE, BE IT RESOLVED by the Niles City Council that a public meeting regarding the proposed termination of the aforementioned Brownfield Plan shall be held on the 11th day of September 2017, at 6:00 p.m. in Council Chambers, 1345 E. Main Street, Niles, Michigan.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

RESOLUTION # 2017- 08/2028 DECLARED ADOPTED

12. Consideration of adopting a Resolution to Schedule a Public Hearing for 5:55 pm on Monday, September 11, 2017 to receive public input regarding the adoption of a Brownfield Plan and Reimbursement Agreement for Indeck Niles, LLC; also known as the Indeck Niles Energy Center Project.

CITY OF NILES

BERRIEN COUNTY

RESOLUTION TO HOLD A PUBLIC HEARING AND CONSIDER APPROVING A BROWNFIELD PLAN FOR INDECK

NILES, LLC

INDECK NILES ENERGY CENTER PROJECT

2200 PROGRESSIVE DR., NILES MI

Council Member DiCostanzo offered the following resolution and moved for its adoption, seconded by **Council Member Skalla**.

RESOLUTION #2017- 08/2029

Site Identification/Eligible Property:

Parcel Identification Numbers: 11-71-0013-0001-07-1 (in Berrien County); 14-170-018-001-02, 14-170-007-002-00, 14-170-008-001-00 (all in Cass County),
City of Niles, Michigan

Pursuant to and in accordance with the provisions of Act 381 of the Public Acts of the State of Michigan, 1996, as amended:

WHEREAS, the Niles Brownfield Redevelopment Authority (the "Authority"), pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has completed a review of the Brownfield Plan (the "Plan") for the site pursuant to and in accordance with Sections 13 and 13b of the Act, to be carried out within the Niles Brownfield Redevelopment Zone (the "Zone") located within the City of Niles; and

WHEREAS, as a result of its review of the Plan, the Authority adopted a resolution (#2017-01) on August 22, 2017, recommending approval of the Plan to the Niles City Council, subject to the City Council passing an approval resolution adopting the Plan; and

WHEREAS, Before acting upon said Plan, the City Council of the City of Niles is required, in accordance with Section 14 of the Act, to hold a public hearing on the Plan and to provide notice of the hearing on the Plan in writing to the assessor of the local tax collecting unit in which the eligible property is located, to the taxing jurisdictions that levy taxes subject to capture under the Act, and Michigan Department of Environmental Quality (DEQ) and the Michigan Strategic Fund (MSF), or its designee, and shall ensure that the assessor, interested persons, and an official from a taxing jurisdiction with millage that would be subject to capture, have an opportunity to be heard and that written communications with reference to the Plan are received and considered; and

WHEREAS, It is the desire of the City Council of the City of Niles that such a hearing shall be held on the 11th day of September 2017, at 5:55 p.m. in Council Chambers, 1345 E. Main Street, Niles, Michigan.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Niles that the City Clerk or her designee shall inform by written notice sent via regular mail not less than 10 days before the public hearing date, the City Assessor, the applicant, the Michigan Department of Environmental Quality (DEQ), the Michigan Strategic Fund (MSF) or its designee, and the legislative body of each taxing unit which levies ad valorem taxes in the City of Niles, Berrien County and Cass County, of the public hearing, with said notice; and

BE IT FURTHER RESOLVED THAT at said public hearing, interested persons shall have the opportunity to be heard relative to the Plan, and that written communications with reference to the Plan will be received and considered.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

RESOLUTION # 2017-08/2029 DECLARED ADOPTED

13. Consideration of adopting a Resolution to Accept the Michigan Natural Resources Trust Fund Grant Agreement and consideration of authorizing the mayor to sign the agreement.

**CITY OF NILES
BERRIEN COUNTY
STATE OF MICHIGAN**

**Resolution Recommending Acceptance of Michigan Natural Resources Trust Funds Development Project TF16-0180 "Niles City Trailhead"
RESOLUTION 2017-08/2030**

Upon motion made by **Council Member Bertschy**, seconded by **Council Member DiCostanzo**, the following Resolution was adopted:

"RESOLVED, that the City of Niles, Michigan, does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources, and that the Niles City Council does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate all funds necessary to complete the project during the project period and to provide \$280,000.00 dollars to match the grant authorized by the **Michigan Natural Resources Trust Fund**.
2. To maintain satisfactory financial accounts, documents, and records to make them available to the **Michigan Natural Resources Trust Fund** for auditing at reasonable times.
3. To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement.
4. To regulate the use of the facility constructed and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.
5. To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution."

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

RESOLUTION # 2017-08/2030 DECLARED ADOPTED

14. Consideration of adopting a Resolution of Determination to make public improvements, approval of plans and estimate of costs, final determination of special assessment district for the Southwestern Michigan Community

Ambulance Service and direct the preparation of the special assessment roll.

CITY OF NILES
SPECIAL ASSESSMENT DISTRICT FOR EMERGENCY MEDICAL SERVICES
THROUGH SOUTHWESTERN MICHIGAN COMMUNITY AMBULANCE SERVICE,
DISTRICT NO. 1
RESOLUTION NO. 2

DETERMINATION TO MAKE PUBLIC IMPROVEMENTS; APPROVAL OF PLANS AND ESTIMATE OF COSTS; FINAL DETERMINATION OF SPECIAL ASSESSMENT DISTRICT; PREPARATION OF SPECIAL ASSESSMENT ROLL

The following Resolution was offered by **Council Member DiCostanzo** and seconded by **Council Member Weimer**.

RESOLUTION 2017-08/2031

WHEREAS, pursuant to Act 368 of 1978, as amended by Act 179 of 1990 (MCL 333.20948), a combination of local governmental units may operate an ambulance authority and defray, in whole or part, the cost of ambulance service by special assessment, with such special assessments conforming as nearly as possible to the procedure set forth in section 1 of Act 33 of 1951; and

WHEREAS, Act 33 of 1951 provides that all proceedings related to special assessments shall conform as nearly as practicable to Act 188 of 1954; and

WHEREAS, pursuant to Act 368 of 1978, as well as the Urban Cooperation Act, Act 7 of 1967, the City and other local governmental units have formed the Southwestern Michigan Community Ambulance Service ("SMCAS"), which provides ambulance services to the member municipalities and certain other municipalities pursuant to contracts ("Services"); and

WHEREAS, the costs of maintaining and operating SMCAS are shared by the local governmental units who are members of SMCAS, including the City, pursuant to the Articles of Incorporation of SMCAS; and

WHEREAS, the City wishes to defray its share of the cost of maintaining and operating SMCAS ("SMCAS Costs") by establishing a special assessment district pursuant to Act 368 of 1978, as amended by Act 179 of 1990; and

WHEREAS, the City Council has received an estimate of the SMCAS Costs; and

WHEREAS, the City Council has resolved its intention to proceed with establishing a special assessment district and set August 28, 2017, for a public hearing; and

WHEREAS, after notice was duly given by publication and by first class mail, the City Council held a public hearing on August 28, 2017, at 1345 E. Main Street, Niles City Council Chambers, in the City at which the City Council heard and considered objections to the proposed Services, the designated special assessment district, and all other matters related to the Services.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. The City Council hereby determines that it is necessary and in the best interests of the City to defray its share of the cost of maintaining and operating SMCAS, in whole or part, by special assessment.

2. The special assessment district known as "Special Assessment District for Emergency Medical Services Through Southwestern Michigan Community Ambulance Service, District No. 1" (the "District") is hereby determined to consist of all residential units, commercial parcels, industrial parcels, and agricultural parcels within the City, unless such lands and premises are exempt by law from paying special assessments. "Residential unit" includes each unit in multiple family dwellings, apartments, condominiums and townhouses, and includes each pad in a mobile home or manufactured housing community.

3. The District shall remain in effect for a period of five (5) years.

4. All or a portion of the SMCAS Costs shall be paid by special assessments assessed within the District against the property located in the District and benefited by the proposed Improvements.

5. The City Assessor is hereby directed to make a special assessment roll for the District upon which shall be described all the parcels of land to be assessed, the names of the respective record owners of each parcel, if known, and the total amount to be assessed against each parcel of land.

6. Said special assessment roll or column in the tax roll shall be reported to the City Council and shall be filed in the office of the City Clerk.

7. All actions heretofore taken by City officials, employees and agents with respect to the special assessment are hereby ratified and confirmed.

8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution shall be and the same are hereby rescinded.

NOW, THEREFORE, THE CITY RESOLVES AS FOLLOWS:

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

RESOLUTION # 2017-08/2031 DECLARED ADOPTED

14A. Consideration of adopting a resolution to approve the filing of the special assessment roll with the Clerk and hold a public hearing on September 25, 2017 to review the special assessment roll and hear any objections to it.

**CITY OF NILES
SPECIAL ASSESSMENT DISTRICT FOR EMERGENCY MEDICAL SERVICES
THROUGH SOUTHWESTERN MICHIGAN COMMUNITY AMBULANCE SERVICE,
DISTRICT NO. 1**

**RESOLUTION NO. 3
FILING OF SPECIAL ASSESSMENT ROLL FOR SPECIAL ASSESSMENT DISTRICT; NOTICE OF PUBLIC HEARING**

The following Resolution was offered by **Council Member DiCostanzo** and seconded by **Council Member Bertschy**.

RESOLUTION 2017-08/2032

WHEREAS, pursuant to Act 368 of 1978, as amended by Act 179 of 1990 (MCL 333.20948), a combination of local governmental units may operate an ambulance authority and defray, in whole or part, the cost of ambulance service by special assessment, with such special assessments conforming as nearly as possible to the procedure set forth in section 1 of Act 33 of 1951; and

WHEREAS, Act 33 of 1951 provides that all proceedings related to special assessments shall conform as nearly as practicable to Act 188 of 1954; and

WHEREAS, pursuant to Act 368 of 1978, as well as the Urban Cooperation Act, Act 7 of 1967, the City and other local governmental units have formed the Southwestern Michigan Community Ambulance Service ("SMCAS"), which provides ambulance services to the member municipalities and certain other municipalities pursuant to contracts ("Services"); and

WHEREAS, the costs of maintaining and operating SMCAS are shared by the local governmental units who are members of SMCAS, including the City, pursuant to the Articles of Incorporation of SMCAS; and

WHEREAS, the City wishes to defray its share of the cost of maintaining and operating SMCAS ("SMCAS Costs") by establishing a special assessment district pursuant to Act 368 of 1978, as amended by Act 179 of 1990; and

WHEREAS, following a properly noticed public hearing on August 28, 2017, the City Council adopted a resolution on August 28, 2017, to determine the "Special Assessment District for Emergency Medical Services Through Southwestern Michigan Community Ambulance Service, District No. 1" (the "District") and directed the City Assessor to prepare a Special Assessment Roll for the District; and

WHEREAS, the City Assessor has made and certified a special assessment roll for the parcels located in the District and has reported the special assessment roll to the City Council.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. The special assessment roll for the District (the "Special Assessment Roll"), as reported to the City Council by the City Assessor, attached hereto as Exhibit A, shall be filed in the office of the City Clerk and shall be available for public inspection during the normal working hours of the City office.
2. The City Council shall hold a public hearing at a regular meeting of the City Council on September 25, 2017, at 1345 E. Main Street, Niles City Council Chambers, in the City to review the Special Assessment Roll and hear any objections to it.
3. The City Council directs the City Clerk to give notice of the time, date and purpose of the hearing, by first class mail, to each record owner of, or party-in-interest in, real property within the City whose name appears upon the last City tax assessment records, at least ten days before the date of the hearing. Additionally, the City Clerk shall cause to be published a Notice of Public Hearing in a newspaper of general circulation within the City a total of at least two times prior to the hearing. The first publication shall be at least 10 days prior to the time for the hearing, and a proof of publication of such notice shall be filed with the City Clerk.
4. The form of the notice of hearing to be published shall be substantially as set forth in Exhibit B, with such modifications as are deemed necessary by the City Manager to ensure that notice is provided to property owners within the District.
5. All actions heretofore taken by City officials, employees and agents with respect to the special assessment are hereby ratified and confirmed.
6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution shall be and the same are hereby rescinded.

NOW, THEREFORE, THE CITY RESOLVES AS FOLLOWS:

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

RESOLUTION # 2017-08/2032 DECLARED ADOPTED

15. Consideration of adopting a Resolution of Support for the renovation of the Four Flags Plaza Independent Senior Community.

**CITY OF NILES BERRIEN
COUNTY**

**A RESOLUTION OF COMMUNITY SUPPORT FOR THE RENOVATION OF THE FOUR FLAGS PLAZA
INDEPENDENT SENIOR COMMUNITY**

Resolution No. 2017-08/2033

Council Member Skalla offered the following resolution and moved for its adoption, seconded by **Council Member Bertschy**.

RESOLVED BY: City Council, City of Niles, Michigan

WHEREAS, the City of Niles is committed to the ongoing success of its Downtown and immediately surrounding downtown residential neighborhoods and has adopted specific plans to promote the revitalization of these areas; and

WHEREAS, the City of Niles has continually invested in this area to promote ongoing economic development and community revitalization; and

WHEREAS, the City of Niles adopted the 2004 "Community Master Plan" to guide the revitalization of the community, including specific recommendations for neighborhood revitalization for the Central Business District and neighborhoods immediately surrounding; and

WHEREAS, the City of Niles adopted the 2009 City of Niles Downtown Design Guidelines to promote coordinated development and a unique identity for Downtown Niles; and

WHEREAS, the City of Niles adopted the 2016 PlacePlan to guide Niles in identifying, developing and implementing strategies that will grow and strengthen the community in the coming decades, specifically through "place making initiatives" that recognize that the physical form, land use diversity and density positively contribute to a community's quality of life; and

WHEREAS, General Capital plans to significantly renovate the existing Four Flags Plaza Independent Senior Community located at 17 North 7th Street utilizing low income housing tax credits under Section 42 of the IRS that complies with the spirit and intent of the community's revitalization plans, particularly the PlacePlan; and

WHEREAS, General Capital intends to submit an application for affordable housing tax credits to the Michigan State Housing Development Authority (MSHDA) and as part of the application desires to achieve certain points in the Community Revitalization category; and

WHEREAS, to achieve such points, the development must clearly demonstrate community support and that it directly contributes to the revitalization of the immediate neighborhood and greater Niles community;

NOW THEREFORE BE IT RESOLVED,

The City of Niles supports the renovation of the Four Flags Plaza Independent Senior Community and considers the proposal a positive contribution to the revitalization of Downtown Niles.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

RESOLUTION # 2017-08/2033 DECLARED ADOPTED

16. Consideration of adopting a ~~resolution to approve~~ a Development Agreement with GENCAP Four Flags Limited Dividend Housing Association, LLC to provide low income persons and families with housing **and consideration of authorizing the mayor to sign the agreement.**

Council Member DiCostanzo moved, **Council Member Bertschy** supported, **MOTION CARRIED**, to approve a Development Agreement with GENCAP Four Flags Limited Dividend Housing Association, LLC to provide low income persons and families with housing and consideration of authorizing the mayor to sign the agreement.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

17. Consideration of entering into a Municipal Emergency Services Agreement with GENCAP Four Flags Limited Dividend Housing Association, LLC and consideration of authorizing the mayor to sign the agreement.

Council Member Bertschy moved, **Council Member DiCostanzo** supported, **MOTION CARRIED**, to enter into a Municipal Emergency Services Agreement with GENCAP Four Flags Limited Dividend Housing Association, LLC and consideration of authorizing the mayor to sign the agreement.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

18. Consideration of entering into an agreement with Executive Cleaning Services, LLC of Huntington, NY to provide 40 hours of cleaning services at a cost of \$1,125.00 per month for the Wastewater Treatment Plant and consideration of authorizing the utilities manager to sign the agreement.

Council Member DiCostanzo moved, **Council Member Skalla** supported, **MOTION CARRIED**, to enter into an agreement with Executive Cleaning Services, LLC of Huntington, NY to provide 40 hours of cleaning services at a cost of \$1,125.00 per month for the Wastewater Treatment Plant and consideration of authorizing the utilities manager to sign the agreement.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

18A. Consideration of approving the purchase of a Versadial call recording system form Versadial Solutions of Irvine, CA in the amount of \$12,440.

Council Member Bertschy moved, **Council Member VandenHeede** supported, **MOTION CARRIED**, to approve the purchase of a Versadial call recording system form Versadial Solutions of Irvine, CA in the amount of \$12,440.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

CITY ATTORNEY'S REPORT:

19. **First Reading and Introduction** of a proposed ordinance to provide for a service charge (payment) in lieu of taxes (PILOT) for a housing project for low income persons and families to be financed with a Federally-aided Mortgage or an advance or grant from the Authority pursuant to the provisions of the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401, *et seq*) (the "Act").

COUNCIL MEMBER'S REPORT:

Council Member DiCostanzo stated that Indeck is becoming a reality and that it would be an economic benefit to the city. He also mentioned that the Planning Commission has recommended an amended the zoning for medical marijuana

Council Member Skalla mentioned that he attended the 3rd Thursday Business event August 17th and the Sunday Market in Artisan Alley. Both events were well attended and good for business.

Council Member Bertschy reported that the Park Board met with Mr. Odie Stewart, American Legion Post #26, regarding playing "Taps" at the Riverfront Park War Memorial.

Council Member Boggs thanked the people that pulled weeds and picked up trash in the parks.

Council Member VandenHeede spoke in opposition of the Indeck project referencing history of National Standard and Simplicity Patterns. The brownfield clean up would take away any tax dollars that the city would have gained. Jobs offered by Indeck would be short term construction.

Council Member Durm thanked the Finley family and congratulations.

Council Member McAfee said she discovered the DDA bookstore next to Niles Daily Star on 4th Street. She announced that a local barber was giving haircuts to students for back-to-school. She also attended the Benton Harbor youth employment program that teaches life skills like opening a bank account.

Council Member Weimer voiced that playing "Taps" at the war memorial in Riverfront Park is a good idea. He also congratulated the Finley family.

MAYOR'S REPORT: Mayor Shelton congratulated the Finley family. He also thanked everyone for coming to the Niles City Council meeting.

ADJOURNMENT:

Council Member Weimer moved to adjourn at 7:10pm.

Linda Casperson, Niles City Clerk

Date Approved