

**CITY OF NILES  
REGULAR CITY COUNCIL MEETING MINIUTES  
MONDAY, NOVEMBER 13, 2017**

The meeting was called to order by Mayor Shelton in the City Council Chambers, 1345 East Main Street, Niles, Michigan at 6:00 p.m., November 13, 2017. The Pledge of Allegiance was led by Mayor Shelton.

**PRESENT:** Gretchen Bertschy, Georgia Boggs (6:05pm), John DiCostanzo, Robert Durm Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, William Weimer, and Mayor Nick Shelton.

**ABSENT:** None

**STAFF:** Casperson, Huff, Landgraf

**CITIZEN PARTICIPATION:**

Lisa Croteau, DDA/Main Street Director, announced Shop Small Business Saturday, November 25, 2017. Local businesses will have special deals, Artisan Alley, Santa, scavenger hunt, horse carriage rides, food and entertainment.

She also mentioned that the Berman family has invited the community to join them in the dedication of historic marker commemorating the history of the Niles Waste Paper Company, November 19, 2017 at 2pm on the Riverfront Park Trail south of the YMCA on Front Street.

**PRESENTATIONS:** Laurie Bubala, introduced Sustainable Development for the City of Niles by adopting Compact of Mayors concept based on three pillars of People, Planet and Profit. Potential options for Niles are:

- Increase public transportation.
- Green building architecture.
- Attract solar panel/wind turbine manufacturers to area.
- Energy efficiency audit and upgrades of municipal offices and services.
- LED street lights.
- Encourage tree planting. Educate residents on sustainable land use.
- Green storm water infrastructure.

**CONSENT AGENDA:**

1. Consideration of approving the City Council Minutes of October 23<sup>rd</sup>, 2017.
2. Consideration of approving the Bills dated November 8<sup>th</sup>, 2017.
3. Consideration of approving the scheduling of two public hearings to receive input from the public regarding the U.S. Department of Housing and Urban Development's Community Development Block Grant Consolidated Annual Performance Evaluation Report (CAPER), to be scheduled for 5:50 pm on December 11<sup>th</sup> and the scheduling of the Affirmatively Furthering Fair Housing public hearing for 5:55pm also on December 11<sup>th</sup>, 2017.
4. Consideration of approving a request to accept the quote of \$4,600.00 from Pearson Construction of Benton Harbor, MI for the replacement of the non-historical front entrance doors at the Fort St. Joseph Museum.
5. Consideration of approving annual payments to the State of Michigan Department of Environmental Quality in Lansing, MI for our Community Public Water Supply Annual Fee, which for 2018 is in the amount of \$5,650.06.

**Council Member Weimer** moved, **Council Member DiCostanzo** supported, **MOTION CARRIED**, to approve the consent agenda Items 1-5 as submitted.

**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**

6. Consideration of approving the submission of a Request for Proposals so as to garner interest from medical marijuana vendors who desire to do business in the City of Niles.

**Council Member DiCostanzo** moved, **Council Member Skalla** supported, **MOTION CARRIED**, to approve the submission of a Request for Proposals so as to garner interest from medical marihuana vendors who desire to do business in the City of Niles.

**ROLL CALL:**

**AYE:** Gretchen Bertschy, John DiCostanzo, Charlie McAfee, Wm. Tim Skalla, and William Weimer

**NAY:** Georgia Boggs, Robert Durm, Daniel VandenHeede      **ABSENT:**      None      **ABSTAIN:** None

**REMOVED FROM THE AGENDA**

7.      ~~Consideration of approving a request to accept an offer from General Capital Acquisitions, LLC for the purchase of the 322 E. Main Street building and consideration of authorizing the mayor to sign the Offer to Purchase document.~~

8.      Consideration of approving the Discharge of Mortgages and the Mortgage Notes issued to various mortgage holders as indicated and consideration of authorizing the mayor to sign the Discharge of Mortgages, etc. and also consideration of authorizing the clerk to file the Discharge of Mortgages with Berrien County.

**Council Member DiCostanzo** moved, **Council Member Bertschy** supported, **MOTION CARRIED**, to approve the Discharge of Mortgages and the Mortgage Notes issued to various mortgage holders as indicated and consideration of authorizing the mayor to sign the Discharge of Mortgages, etc. and also consideration of authorizing the clerk to file the Discharge of Mortgages with Berrien County.

**ROLL CALL:**

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

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

9.      Consideration of approving the release of a 1983 easement agreement to create a new easement for the maintenance and repair of the retaining wall located near 2<sup>nd</sup> and Broadway Streets; consideration of approving the newly proposed easement agreement between the City of Niles and General Capital, Berkshire Niles and consideration of authorizing the mayor to execute the required documents.

**Council Member DiCostanzo** moved, **Council Member Weimer** supported, **MOTION CARRIED**, to approve the release of a 1983 easement agreement to create a new easement for the maintenance and repair of the retaining wall located near 2<sup>nd</sup> and Broadway Streets; consideration of approving the newly proposed easement agreement between the City of Niles and General Capital, Berkshire Niles and consideration of authorizing the mayor to execute the required documents.

**ROLL CALL:**

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

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

10.     Consideration of approving entering into an agreement with Jonathan Smith to allow him to access 933 N. 5<sup>th</sup> Street while protecting the interests of the City.

**Council Member DiCostanzo** moved, **Council Member Bertschy** supported, **MOTION CARRIED**, to approve entering into an agreement with Jonathan Smith to allow him to access 933 N. 5<sup>th</sup> Street while protecting the interests of the City.

**ROLL CALL:**

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

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

**COMMITTEE/BOARD APPOINTMENTS:**

11.     Consideration of approving the immediate appointments to the Planning Commission of April Gargis to fill the unexpired term of Gregory Nasstrom, which expires December 31, 2019 and Laura Hollister to complete the unexpired term of Jeanette Pearson, which expires on December 31, 2017.

**Council Member Skalla** moved, **Council Member Bertschy** supported, **MOTION CARRIED**, to approve the immediate appointments to the Planning Commission of April Gargis to fill the unexpired term of Gregory Nasstrom, which expires December 31, 2019 and Laura Hollister to complete the unexpired term of Jeanette Pearson, which expires on December 31, 2017. **AYES: 8 NAYS: 0**

**CITY ATTORNEY'S REPORT:**

12. **Second Reading and Enactment** of a proposed Medical Marijuana Opt-in Ordinance, an ordinance to authorize medical marijuana facilities as outlined in State law. Zoning requirements in the City of Niles will be addressed with an amendment to the Zoning Ordinance in the coming weeks. With the following correction from the first reading:

*Page 7, Section 3 – Licensing of Medical Marijuana Facilities - § A. Number of Permitted Facilities: 1.* Provided that while there is no limit on the number of growers and or processors, no more than **four (4)** structures in the City of Niles Industrial Park may house grow, processing or provisioning facilities or any combination thereof, at any given time.

**Council Member DiCostanzo** moved, **Council Member Bertschy** supported, **MOTION CARRIED**, to adopt a **Second Reading and Enactment** of a proposed Medical Marijuana Opt-in Ordinance, an ordinance to authorize medical marijuana facilities as outlined in State law. Zoning requirements in the City of Niles will be addressed with an amendment to the Zoning Ordinance in the coming weeks. With the following correction from the first reading:

*Page 7, Section 3 – Licensing of Medical Marijuana Facilities - § A. Number of Permitted Facilities: 1.* Provided that while there is no limit on the number of growers and or processors, no more than **four (4)** structures in the City of Niles Industrial Park may house grow, processing or provisioning facilities or any combination thereof, at any given time.

**ROLL CALL:**

**AYE:** Gretchen Bertschy, John DiCostanzo, Charlie McAfee, Wm. Tim Skalla, and William Weimer

**NAY:** Georgia Boggs, Robert Durm, Daniel VandenHeede **ABSENT:** None **ABSTAIN:** None

**ORDINANCE 481 DECLARED ADOPTED**

13. **First Reading and Introduction** of a proposed amendment to the Zoning Ordinance to allow for the revisions of various sections to add new definitions pertaining to medical marihuana facilities, to amend nonconforming provisions for medical marijuana, to include medical marihuana facilities, to allow land uses pertaining to medical marihuana facilities, to permit medical marihuana facilities as a special land use and to amend Article 8 to provide regulations for medical marihuana facilities, etc.

**COUNCIL MEMBER’S REPORT:**

**Council Member Boggs** thanked Laurie Bubala for her time and effort.

**Council Member Bertschy** mentioned that she attended the 242<sup>nd</sup> birthday celebration of the US Marine Corp at the new Fifty5 Club, 104 N. 3<sup>rd</sup> Street and had a wonderful time. Taps was played at the Veteran Memorial in Riverfront Park on Veteran’s Day.

**Council Member VandenHeede** thanked Laurie Bubala asked the City Administrator what is the City’s next step. City Administrator responded that many of the things mentioned are already being done. He suggested that it go the Policy Committee for further directions.

**Council Member Durm** asked to go on record, “I am strongly opposed, while I am not against medical marijuana in the City of Niles. I feel that we should have some restrictions on the number of licenses that are issued in the city until the State is sure about their laws and process and until we are sure about what kind of impact it’s going to have.”

**Council Member DiCostanzo** thanked the City Administrator and staff for their research on the Medical Marijuana process. He believes that it was a good decision and looks forward to new businesses coming to Niles.

**Council Member Skalla** also thanked Laurie Bubala. Laurie has donated 60-100 hours to the ice rink as well as many donated hours to the local groups including boy scouts.

**MAYOR’S REPORT:**

Mayor Shelton also thanked Laurie Bubala.

Mayor Shelton announced that he would like to discuss the City Administrator’s evaluation. City Administrator Huff requested a closed session.

**Council Member Bertschy** moved, **Council Member Weimer** supported, **MOTION CARRIED** to go into closed session to discuss the City Administrator’s evaluation.

**ROLL CALL:**

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

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

Closed Session at 6:48pm

Resumed at 7:15pm

**Council Member DiCostanzo** moved, **Council Member Bertschy** supported, **MOTION CARRIED**, to increase City Administrator Huff's salary 2%, effective October 1, 2017.

**ROLL CALL:**

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

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

**ADJOURNMENT:** Council Member Weimer moved to adjourn at 7:19pm.

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Linda Casperson  
Niles City Clerk

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Date