

**CITY OF NILES
REGULAR CITY COUNCIL MEETING MINIUTES
MONDAY, NOVEMBER 27 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 27, 2017. The Pledge of Allegiance was led by Mayor Shelton.

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

ABSENT: Gretchen Bertschy

STAFF: Casperson, Huff, Landgraf

CITIZEN PARTICIPATION:

Justin Flagel, thanked everyone that participated in the Shop Small Business Saturday, November 25, 2017. There were carolers, sleigh rides, artisans market, and business specials etc. This is an annual event that is well received by the community. The Downtown Development Authority is currently making plans for next year's event.

Katrina Andrews ask the city council to vote in favor of Item 16 pertaining to the reservation of property in south Riverfront Park. Residents will have a place to socialize and exercise their dogs in a safe manner while making good use of underutilized property.

CONSENT AGENDA:

1. Consideration of approving the City Council Minutes of November 13, 2017.
2. Consideration of approving the Bills dated November 21st, 2017.
3. Consideration of approving the purchase of two sets of Firefighting Protective Clothing from Apollo Fire Equipment of Romeo, MI at a total cost of \$3,998.00.
4. Consideration of accepting the quote of \$4,536.00 from West Shore Fire of Allendale, MI for the purchase of four 4500 psi Self-Contained Breathing Apparatus (SCBA) Bottles and Valve Assemblies for use by firefighters.
5. Consideration of accepting the quote of \$5,016.99 from Home Depot of Mishawaka for the purchase of 180 Smoke Detectors and 151 Carbon Monoxide Detectors for the Fire Department's Public Safety Program.
6. Consideration of approving the expense of \$6,617.00 to Selge Construction Company of Niles and \$1,000.00 to King's Septic Services of Mishawaka, IN for the emergency repair and maintenance of the forced main sewer break on Chicago Rd.
7. Consideration of approving the single-source purchase of one pump impeller from Kerr Pump and Supply of Oak Park, MI at a cost of \$7,881.50 for use by the Wastewater Treatment Plant.
8. Consideration of approving the single-source purchase of parts from E & I Corporation of Westerville, OH at a cost of \$23,504.00 in order to perform a complete rehabilitation of the upper bar-screen at the Wastewater Treatment Plant.
9. Consideration of accepting the bid of \$37,662.63 from Power Line Supply of Reed City, MI for the purchase of thirty (30) Pole Mounted Transformers for use by the Electric Division.
10. Consideration of accepting the bid of \$60,527.72 from Power Line Supply of Reed City, MI for the purchase of line material for the construction of a 12KV circuit on Platt Street.

Council Member Weimer moved, **Council Member Skalla** supported, **MOTION CARRIED**, to approve the consent agenda Items 1-10 as submitted.

ROLL CALL:

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

NAY: None **ABSENT:** Gretchen Bertschy **ABSTAIN:** None

ADMINISTRATOR'S REPORT:

Introduction of Items for Discussion
Items for Council Action

11. Consideration of adopting a resolution to reject the transfer of property from Berrien County to the City of Niles, such property being located at 707 N. 6th Street in the city.

CITY OF NILES
REJECTION OF TAX FORECLOSURE PROPERTY

RESOLUTION #2017/11-2041

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

RESOLVED BY: City Council, City of Niles, Michigan,
WHEREAS, Berrien County recently held a no minimum bid auction on October 3, 2017; and
WHEREAS, properties that are unsold are deeded to the local unit unless they reject them pursuant to MCL 211.78m(6); and
WHEREAS, a resolution authorizing the rejection has been required.
NOW, THEREFORE, BE IT RESOLVED as follows:

The City of Niles, Michigan has agreed to the rejection of property located at 707 N. 6th Street in said City; and herein described to wit: LOT 8 BLK 4 FRANCES M LA PIERRE'S 2ND ADD TO NILES ALSO THE W1/2 OF VACATED ALLEY LYING E OF SD LAND (11-71-4610-0032-00-2); and

BE IT FURTHER RESOLVED:

This resolution is adopted by the Niles City Council for the City of Niles, Michigan on the 27th day of November, 2017, and authorizes the rejection of said premises.

ROLL CALL:

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

NAY: None **ABSENT:** Gretchen Bertschy **ABSTAIN:** None

RESOLUTION 2017/11-2041 DECLARED ADOPTED.

12. Consideration of adopting a resolution to approve a new Brewpub Liquor License in conjunction with the Class C Liquor License previously issued for the Brass Eye, LLC, at 205 N. 2nd Street.

Local Government Approval
(Authorized by MCL 436.1501)

CITY OF NILES
BERRIEN COUNTY
STATE OF MICHIGAN

RESOLUTION #2017-11/2042

The following resolution was offered:

Moved by Council Member **DiCostanzo** and supported by Council Member **VandenHeede**

That the application from Bryan Williams, owner of the **BRASS EYE, LLC for the following license(s): BREWPUB LIQUOR LICENSE ISSUED PURSUANT TO MCL 436.1521(a) to be located at 205 N. 2nd STREET, NILES, MICHIGAN 49120, BERRIEN COUNTY.**

It is the consensus of this legislative body that it **recommends** this application be considered for approval by the Michigan Liquor Control Commission.

ROLL CALL:

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

NAY: None **ABSENT:** Gretchen Bertschy **ABSTAIN:** None

RESOLUTION 2017/11-2042 DECLARED ADOPTED.

13. Consideration of approving the acceptance of a \$5,000 grant from the Berrien Community Foundation to the Niles History Center for its project, Roots and Wings: Phase II, which will focus on updating some exhibits at the Fort St. Joseph Museum for an early childhood education audience.

Council Member Skalla moved, **Council Member VandenHeede** supported, **MOTION CARRIED**, to approve the acceptance of a \$5,000 grant from the Berrien Community Foundation to the Niles History Center for its project, Roots and Wings: Phase II, which will focus on updating some exhibits at the Fort St. Joseph Museum for an early childhood education audience.

ROLL CALL:

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

NAY: None **ABSENT:** Gretchen Bertschy **ABSTAIN:** None

14. Consideration of approving the use of services from Alpha Engineering, Inc. of Indianapolis, IN to assist in the City electrical planning needs for the Indeck Niles Energy Center and consideration of authorizing the mayor to sign the Letter of Engagement.

Council Member Weimer moved, **Council Member DiCostanzo** supported, **MOTION CARRIED**, to approve the use of services from Alpha Engineering, Inc. of Indianapolis, IN to assist in the City electrical planning needs for the Indeck Niles Energy Center and consideration of authorizing the mayor to sign the Letter of Engagement.

ROLL CALL:

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

NAY: None **ABSENT:** Gretchen Bertschy **ABSTAIN:** None

15. Consideration of approving entering into an agreement with the Michigan Department of Transportation (MDOT) should the City be selected as a Team Member (Interested Party) in the Department of Transportation/Federal Aviation Administration's UAS Integration Pilot Program and consideration of authorizing the Utilities Manager to sign the agreement.

Council Member Weimer moved, **Council Member DiCostanzo** supported, **MOTION CARRIED**, to approve entering into an agreement with the Michigan Department of Transportation (MDOT) should the City be selected as a Team Member (Interested Party) in the Department of Transportation/Federal Aviation Administration's UAS Integration Pilot Program and consideration of authorizing the Utilities Manager to sign the agreement.

ROLL CALL:

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

NAY: None **ABSENT:** Gretchen Bertschy **ABSTAIN:** None

16. Consideration of reserving approximately 73,508sf of Riverfront Park land north of the French Dam parking lot for 12 months for possible use as a dog park, pending fund raising and finalizing of plan details and responsibilities between the City of Niles and Ruff & Tumble Dog Park.

Council Member Skalla moved, **Council Member Boggs** supported, **MOTION CARRIED**, to reserving approximately 73,508sf of Riverfront Park land north of the French Dam parking lot for 12 months for possible use as a dog park, pending fund raising and finalizing of plan details and responsibilities between the City of Niles and Ruff & Tumble Dog Park.

ROLL CALL:

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

NAY: None **ABSENT:** Gretchen Bertschy **ABSTAIN:** None

COMMITTEE/BOARD APPOINTMENTS: None

CITY ATTORNEY'S REPORT:

17. **Second Reading and Enactment** 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 DiCostanzo moved, **Council Member Weimer** supported, **MOTION CARRIED**, to approve the second reading and enactment 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.

Durm stated that he was strongly opposed to the medical marijuana ordinance. The city needs to restrict all medical marijuana types to the industrial park and limit the number of facilities until we know how it impacts the city staff and the community itself.

Bogg concurred.

Skalla also voiced that he would like to see as much as possible in the industrial park.

ROLL CALL:

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

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

ORDINANCE 482 ENACTED

18. First Reading and Introduction of a proposed amendment to a portion of the Medical Marijuana Opt-in Ordinance #481, an ordinance to authorize medical marijuana facilities as outlined in State law.

COUNCIL MEMBER'S REPORT:

Council Member Boggs said she was impressed by the sculpture donated by the Waterhouse family. She also thanked Lisa Croteau and the DDA on the Shop Small Business Saturday.

Council Member VandenHeede also mentioned the presentation of the blue heron sculpture on display at the Niles Community Library for approximate 18 months and said that the Audubon Society will be in Niles in January. It's an honor to have Mr. Vandyke and the Waterhouse family give back to the community. Council Member VandenHeede also disclosed that Katrina Andrews is his sister whom spoke on behalf of the dog park. He served on the Park Board with Mrs. Waterhouse whom is also an advocate for a dog park. Buchanan and South Bend are also looking at proposing a dog park. These are projects that bring people from other communities who want to live here or businesses want to relocate.

Council Member VandenHeede moved, **Council Member Boggs** supported, **MOTION CARRIED**, to excuse Council Member Bertschy from tonight's meeting. AYES: 7 NAYS: 0

Council Member McAfee reported that she continues to rediscover businesses in Niles. She was excited to let the community know that Pete's Marathon Service Station continues to offer its customers full service.

Council Member Skalla stated that he attended the presentation of artwork of a carved mahogany blue heron done by John VanDyke, donated by the Waterhouse family to the City of Niles. He encouraged the community to stop by and look at it at the Niles Community Library. Council Member Skalla also passed around to the other council members proposed signage for the Silverbrook Cemetery.

MAYOR'S REPORT:

Mayor Shelton thanked the Waterhouse Family for their generous gift. He also thanked Katrina Andrews for the information on a dog park. Mayor Shelton recognized Lisa Croteau, Justin Flagel and the DDA for the Shop Small Saturday. He also participated in the Berman Family sign dedication,

ADJOURNMENT: Council Member Weimer moved to adjourn at 6:28pm.

Linda Casperson
Niles City Clerk

Date