

**CITY OF NILES
REGULAR CITY COUNCIL MEETING MINIUTES
MONDAY, DECEMBER 11, 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., December 11, 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, Huff, Landgraf

CITIZEN PARTICIPATION:

Peggy Meyers, President of the Niles Education Foundation distributed brochure that explained the role of the charitable organization is to garner private support and public engagement for Niles Community Schools.

Michael Majerek, Berrien County Commissioner gave an update. The Road Commission have a website at bcroad.org where people can submit a road service request.

Kay Shoemaker suggested that the City of Niles designate a week for Fire and Police Departments.

Steve Adolph, President of the Niles Burn Run, is looking forward to the 16th Annual Burn Run in July. Last year's event raised \$23,123.37 to the Great Lakes Burn Camp.

CONSENT AGENDA:

1. Consideration of approving the City Council Minutes of November 27, 2017.
2. Consideration of approving the Bills dated December 5, 2017.
3. Consideration of approving the 14th Annual Hunter Ice Festival to be held in the downtown area January 19th thru January 21st, 2018 and consideration of various other requests as listed.
4. **REMOVED from Consent Agenda for further discussion.**
5. Consideration of approving the purchase of a Ford Explorer Utility police vehicle from Campbell Ford of Niles at a cost of \$28,077.00 as recommended by the staff to purchase through a local dealer in good standing and by providing revenue in the local economy.
6. Consideration of approving the purchase of 8 in car audio/visual recording systems from Watch Guard Video or Allen, TX and installation of the units by P&H Services of Elkhart, IN for a total cost of \$54,677.00, with costs of \$44,400.00 paid by an anonymous donor and the remainder of \$10,277.00 being paid from the Police Department budget.

Weimer moved, **DiCostanzo** supported, **MOTION CARRIED**, to approve Items 1-3, 5 and 6 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

4. Consideration of approving the 16th Annual Niles Family Fun Fair and Bluegrass/Americana Festival to be held in Riverfront Park May 31st thru June 3, 2018 and consideration of various other requests as listed and per staff recommendations.

Bertschy moved, **Boggs** supported, **MOTION CARRIED**, to set aside Item 4 until the January 8, 2017 Council Meeting to allow the Park Board an opportunity to present a proposed Park Use plan.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, Charlie McAfee, Daniel VandenHeede, and William Weimer

NAY: Robert Durm, John DiCostanzo, Wm. Tim Skalla **ABSENT:** None **ABSTAIN:** None

Upon further discussion,

Bertschy moved, **VandenHeede** supported, **MOTION CARRIED**, to postpone Item 4 until the next City Council Meeting date December 18, 2017.

ROLL CALL:

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

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

7. Consideration of adopting a resolution to approve a five-year Airport Ground Lease Renewal for NCP Coatings, Inc. of Niles, effective January 1, 2018 through December 31, 2022.

NCP COATINGS, 225 FORT STREET, NILES, MI 49120
JERRY TYLER MEMORIAL AIRPORT GROUND LEASE
RESOLUTION #2017-12/2044

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

WHEREAS, the City of Niles does own and maintain the Jerry Tyler Memorial Airport; and

WHEREAS, the City of Niles does let and lease portions of said premises in consideration of rents; and

WHEREAS, NCP Coatings, 225 Fort Street, Niles, MI desires a Ground Lease for the maintenance and storage of aircraft at said premises; and

WHEREAS, the City of Niles has drawn up said lease, to be signed by its Mayor and Clerk, by which NCP Coatings may occupy said described premises for a period of five (5) years commencing on the 1st day of January 1, 2018 with renewal subject to provisions contained in said lease; and

WHEREAS, the lessee shall pay all rents and abide by all covenants and conditions of said lease for the prescribed term.

NOW, THEREFORE, BE IT RESOLVED that the City of Niles shall enter into a Ground Lease with NCP Coatings for a term of five (5) years beginning January 1, 2018; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk be authorized and directed to execute the lease on behalf of the City of 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 2017-12/2044 DECLARED ADOPTED.

8. Consideration of adopting a resolution to approve a five-year Airport Ground Lease Renewal for Robert Baird and Ralph Ballard of Niles, effective January 1, 2018 through December 31, 2022.

Ralph C. Ballard and Robert Baird
JERRY TYLER MEMORIAL AIRPORT GROUND LEASE
RESOLUTION #2017-12/2043

Council Member Bertschy offered the following resolution and moved for its adoption, supported by Council Member Boggs.

WHEREAS, the City of Niles does own and maintain the Jerry Tyler Memorial Airport; and

WHEREAS, the City of Niles does let and lease portions of said premises in consideration of rents; and

WHEREAS, Ralph C. Ballard, 70 Beeson Road, Niles, MI and Robert Baird, 458 Ironwood Drive, Niles, MI desires a Ground Lease for the maintenance and storage of aircraft at said premises; and

WHEREAS, the City of Niles has drawn up said lease, to be signed by its Mayor and Clerk, by which Ralph C. Ballard and Robert Baird may occupy said described premises for a period of five (5) years commencing on the 1st day of January 1, 2018 with renewal subject to provisions contained in said lease; and

WHEREAS, the lessee shall pay all rents and abide by all covenants and conditions of said lease for the prescribed term.

NOW, THEREFORE, BE IT RESOLVED that the City of Niles shall enter into a Ground Lease Agreement with Ralph C. Ballard and Robert Baird for a term of five (5) years beginning January 1, 2018; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk be authorized and directed to execute the lease on behalf of the City of 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 2017-12/2043 DECLARED ADOPTED.

9. Consideration of approving the Community Development Block Grant's Consolidated Annual Performance Evaluation Report (CAPER), consideration of approving the submission of the report and consideration of authorizing the mayor to sign the documents.

DiCostanzo moved, **Weimer** supported, **MOTION CARRIED**, to approve the Community Development Block Grant's Consolidated Annual Performance Evaluation Report (CAPER), consideration of approving the submission of the report and consideration of authorizing the mayor to sign the documents.

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

10. Consideration of approving the Affirmatively Furthering Fair Housing Plan and consideration of approving the submission of the AFFHP and consideration of authorizing the mayor to sign the required documents.

DiCostanzo moved, **Bertschy** supported, **MOTION CARRIED**, to approve the Affirmatively Furthering Fair Housing Plan and consideration of approving the submission of the AFFHP and consideration of authorizing the mayor to sign 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: None **ABSENT:** None **ABSTAIN:** None

11. Consideration of authorizing the issuance of provisional licenses for Medical Marihuana businesses as per staff recommendations.

MJM Holdings – Grow Class C, Processor, and Provisioning

MediCann – Grow Class C, and Processor

MichiCann - Grow Class A

Oasis Wellness I – Provisioning

After a lengthy discussion:

DiCostanzo moved, **Weimer** supported, **MOTION CARRIED**, to authorize the issuance of provisional licenses for Medical Marihuana businesses as per staff recommendations.

MJM Holdings – Grow Class C, Processor, and Provisioning

MediCann – Grow Class C, and Processor

MichiCann - Grow Class A

Oasis Wellness I – Provisioning

ROLL CALL:

AYE: Gretchen Bertschy, John DiCostanzo, Charlie McAfee, William Weimer and Mayor Nick Shelton (TIE VOTE)

NAY: Georgia Boggs, Robert Durm, Daniel VandenHeede, Wm. Tim Skalla

ABSENT: None **ABSTAIN:** None

COMMITTEE/BOARD APPOINTMENTS: None

CITY ATTORNEY'S REPORT:

12. **Second Reading and Enactment** 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.

DiCostanzo moved, **Weimer** supported, **MOTION CARRIED**, to enact 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.

ROLL CALL:

AYE: Gretchen Bertschy, John DiCostanzo, Charlie McAfee, William Weimer and Mayor Nick Shelton (TIE VOTE)

NAY: Georgia Boggs, Robert Durm, Daniel VandenHeede, Wm. Tim Skalla

ABSENT: None **ABSTAIN:** None

COUNCIL MEMBER'S REPORT:

Council Member McAfee thanked the Fouche's family for the lovely Christmas card.

Council Member Weimer moved, **VandenHeede** supported, **MOTION CARRIED**, to move the next council meeting to December 18, 2017 because of the Christmas holiday. **AYES: 8 NAYS: 0.**

Council Member DiCostanzo stated that he is a member of the Appointment Committee that approves volunteers for various boards and committee. He thanked the many volunteers.

Council Member Skalla mentioned that he attended the Niles Community Orchestra that played the Niles Community Library. Their next concert will be in April.

Council Member Boggs thanked the Four Flags Garden Club for hosting the Lighting of the Niles Amtrak Depot.

Council Member Bertschy said she is the council liaison for three committees. The DDA is diligently working on the Hunter Ice Festival and she encouraged donations of ice blocks to sponsor ice sculptures downtown. She also thanked Candace Skalla for taken on the Niles Public Arts.

Council Member VandenHeede stated that it is nice to see the process of democracy. Good luck to the businesses and hopes for the best.

MAYOR'S REPORT:

Mayor Shelton, reported that he attended the Lighting of the Niles Amtrak Depot and that it was well received by the community. He also took part in the Miss Niles pageant. Miss Kimberly West was crowned "Miss Niles".

ADJOURNMENT: Council Member Weimer moved to adjourn at 6:57pm.

Linda Casperson
Niles City Clerk

Date