

**THE CITY COUNCIL
NILES, MICHIGAN
PUBLIC HEARING
Industrial Facilities Exemption Certificate (IFT)
Toefco Engineered Coating Systems, Inc., 1919 Industrial Drive.**

Monday, May 21, 2018, 5:55p.m.

At 5:55 pm, Mayor Shelton asked if anyone in the audience wished to address the council on the proposed Industrial Facilities Exemption Certificate (IFT) for Toefco Engineered Coating Systems, Incorporated. Hearing no response, the Public Hearing was closed at 5:57pm.

**CITY OF NILES
REGULAR CITY COUNCIL MEETING MINIUTES
MONDAY, May 21, 2018**

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., May 21, 2018. The Pledge of Allegiance was led by Mayor Shelton.

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

ABSENT: Georgia Boggs

STAFF: Casperson and Huff

CITIZEN PARTICIPATION:

Katerina Andrews requested time on Item #7.

Sanya Vitale reported that the Renaissance Faire was a huge success. There were 750 participants and the organizers said it was one of the best fairs they put on. They plan to be back next year.

Mike Haskett of HDS Investments want to purchase property at the corner of Lake and 13th Street to construct a medical marijuana facility. He want to do business in his hometown. The moratorium would delay their plans and serve as a motivation to find a new location.

PRESENTATION: None

CONSENT AGENDA:

1. Approval of the Minutes of May-24 14, 2018.
2. Approval of the Bills.
3. Consideration of approving the purchase of one radar recorder from Jamar Technologies of Hatfield, PA at a cost of \$3,431.00.
4. Consideration of approving the purchase of a software license for ArcGIS Desktop Standards from ESRI of Redland, CA in the amount of \$9,300.00.

Council Member Weimer moved, **Council Member Skalla** supported, **MOTION CARRIED**, to approve Items 1-4 as amended to reflect the correct meeting minute date.

ROLL CALL:

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

NAY: None **ABSENT:** Georgia Boggs **ABSTAIN:** None

CITY ADMINISTRATOR'S REPORT:
Introduction of Items for Discussion
Items for Council Action

5. Consideration of approving the Community Development Block Grant Annual Action Plan and a subsequent Substantial Amendment for the support of the ~~YMCA of Southwest Michigan's Summer My Way program~~ in the amount \$15,000.00; and authorize the Mayor to sign the Sub-recipient Agreement. **Council Member DiCostanzo** moved, **Council Member Skalla** supported, **MOTION CARRIED**, to the Community Development Block Grant Annual Action Plan in the amount \$15,000.00; and authorize the Mayor to sign the Sub-recipient Agreement.

ROLL CALL:

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

NAY: None **ABSENT:** Georgia Boggs **ABSTAIN:** None

6. Consideration of approving a water franchise agreement with Milton Township; and authorize the Mayor and City Clerk to sign the agreement.

Council Member DiCostanzo moved, **Council Member Bertschy** supported, **MOTION CARRIED**, to approve a water franchise agreement with Milton Township; and authorize the Mayor and City Clerk to sign the agreement.

ROLL CALL:

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

NAY: None **ABSENT:** Georgia Boggs **ABSTAIN:** None

7. Consideration of approving an agreement with Ruff and Tumble Dog Park for the operation and maintenance of a dog park and the installation of fencing in Riverfront Park.

Katrina Andrews stated that she was grateful for their prior approval to earmark a part of South Riverfront Park. The approval was contingent upon the Ruff and Tumble non-profit organization raising funds to install a fence. So far they raised \$21,000 to cover the cost of the fence. There was discussion regarding the installation of the fence and a sidewalk to make it ADA compliance; along with a concrete pad for a transitional space before dogs enter the park. She also mentioned that they would be asking for a sign variance.

Council Member Durm moved, **Council Member VandenHeede** supported, **MOTION CARRIED**, to approve an agreement with Ruff and Tumble Dog Park for the operation and maintenance of a dog park and the installation of fencing in Riverfront Park and allow up to \$5,000 for the installation of a concrete sidewalk and pad.

ROLL CALL:

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

NAY: None **ABSENT:** Georgia Boggs **ABSTAIN:** None

8. Consideration of adopting a resolution to improve Seventeenth Street from Broadway to East Main Street along with other work qualified for federal funding for completion this construction season; and authorize the Mayor and City Clerk to sign the documents.

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

**RESOLUTON OF SUPPORT FOR THE 17th STREET
RESURFACING PROJECT**

RESOLUTION# 2018-05/2055

BY THE CITY OF NILES, MICHIGAN - NILES CITY COUNCIL:

WHEREAS, Sycamore Street is in deteriorating condition; and
WHEREAS, a detailed structural evaluation has been performed for the 2018 is Seventeenth Street from Broadway to East Main Street including concrete sidewalk ramp work and all together with necessary related work; and

WHEREAS, the Seventeenth Street Project provides a connection to other major streets; and
WHEREAS, the City of Niles is committing their share of the funding for the 2018 fiscal year; and
WHEREAS, the engineering estimate for the design and reconstruction of the Broadway Street project is as follows:

<u>TOTAL CONSTRUCTION COST</u>	<u>FEDERAL FUNDING</u>	<u>CITY SHARE</u>
\$255,500.00	\$183,894.00	\$71,606.00

WHEREAS, the Niles-Buchanan-Cass Area Transportation Study Policy Committee has agreed to allocate a portion of local Surface Transportation Program funds (STP) through the project selection process; and

WHEREAS, the Niles-Buchanan-Cass Area Transportation Study Policy Committee requires all projects in the Niles-Buchanan-Cass Area Transportation Study 2017-2020 Transportation Improvement Program that uses local match to have a formal resolution of support from the jurisdiction paying for the local share of the project; and

NOW, THEREFORE, BE IT RESOLVED, that the Niles City Council hereby certifies its support of the local share of the project's cost that will be included in the 2017-2020 Niles-Buchanan-Cass Area Transportation Study Transportation Improvement Program and that failure to provide for the local match will cause the project's allocation of Niles-Buchanan-Cass Area Transportation Study local Surface Transportation Funding to be reconsidered by the Niles-Buchanan-Cass Area Transportation Study Policy Committee.

ROLL CALL:

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

NAY: None **ABSENT:** Georgia Boggs **ABSTAIN:** None

RESOLUTION DECLARED ADOPTED this 21st day of May, 2018.

9. Consideration of adopting a resolution authorizing a moratorium on the acceptance of new medical marijuana facility applications until ~~January 31~~ November 17, 2019.

There was discussion regarding the recreational marijuana referendum on the November 6, 2018 ballot and what effects it will have on the medical marijuana facilities that are in the process of being approved by the State. If the moratorium is approved, new applications will not be accepted until after 180 days. Businesses are still encouraged to express their interest by contacting administration.

**MEDICAL MARIHUANA FACILITIES MORITORIUM
Resolution #2018-05/2056**

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

RESOLVED BY: City Council, City of Niles, Michigan,

WHEREAS, the City of Niles ("City") has enacted an ordinance pursuant to 2016 PA 281 to provide for licensing by City of certain Medical Marihuana Facilities ("MMF"), and

WHEREAS, the City has accepted applications from individuals and entities interested in operating MMF in City, and

WHEREAS, the interested applicants also have pending applications with State of Michigan to receive licensing under the provisions of 2016 PA 281, and

WHEREAS, at present the processing of applications for MMF in City requires a significant dedication of time and effort by City and City staff, and

WHEREAS, at present as no MMF has received a license by the State of Michigan City is unable to evaluate and determine any impact on the general health, safety, and welfare of City and its residents by issuance of MMF licenses

NOW, THEREFORE, BE IT RESOLVED THAT, to reduce the workload required by City staff by accepting and processing MMF applications and to allow City sufficient time to evaluate and determine any impact on the general health, safety, and welfare of City and its residents by issuance of MMF licenses, for a period of 180 days from and after the date of the enactment of this Resolution no applications will be accepted by City for the securing of a license from City for the operation of any MMF.

ROLL CALL:

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

NAY: None **ABSENT:** Georgia Boggs **ABSTAIN:** None

RESOLUTION 2018-05/2056 DECLARED ADOPTED

9A. Consideration of approving the June 2018 through May 2019 Administrative Services Contract with Blue Cross Blue Shield of Michigan and authorize the City Administrator to sign the necessary documents.

Skalla moved, **Weimer** supported, **MOTION CARRIED**, to approve the June 2018 through May 2019 Administrative Services Contract with Blue Cross Blue Shield of Michigan and authorize the City Administrator to sign the necessary documents.

ROLL CALL:

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

NAY: None **ABSENT:** Georgia Boggs **ABSTAIN:** None

CITY ATTORNEY'S REPORT: No report

COUNCIL MEMBER'S REPORT:

Council Member Bertschy reported that the Renaissance Faire was a success with people coming from out of town. She thanked everyone who participated in the Rededication of the Veteran's Memorial.

Council Member McAfee stated that the Summer My Way program is for K-5th grade. She would like to include 6th grade. She also announced that the downtown book store on 4th Street is a wonderful place to purchase books then take them back.

Council Member Weimer stated that the State of Michigan is considering Fire Station Safe Haven Baby Boxes.

Council Member DiCostanzo moved, **Bertschy** supported, **MOTION DENIED**, to sell property on Lake and 13th Street to HDS for \$1 contingent upon successful licensing from the State and construction of a building on the property

ROLL CALL:

AYE: Gretchen Bertschy, John DiCostanzo

NAY: Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

ABSENT: Georgia Boggs **ABSTAIN:** None

Council Member Skalla moved, **Weimer** supported, **MOTION CARRIED** to excuse Council Member DiCostanzo from the April 23rd City Council Meeting. **AYES: 7 NAYS: 0**

MAYOR'S REPORT:

Mayor Shelton stated the City of Niles received a letter from the Berrien County Treasurer of the listing of properties that have been placed on foreclosure. The city recently passed a resolution for the demolition of properties; since then, four of the properties have been removed from the demolition list. The owners have contacted the County Treasurer and taxes have been paid.

Mayor Shelton thanked Katrina Andrews and HDS for coming to the Niles City Council meeting.

ADJOURNMENT: Council Member Weimer moved to adjourn at 6:55 pm.