

**THE CITY COUNCIL
NILES, MICHIGAN
PUBLIC HEARING
LIQUOR LICENSE
Chansage Ventures, Inc., d/b/a THE RAGE, 219 N. FRONT STREET
Monday, January 14, 2019, 5:55p.m.**

At 5:55 pm, Mayor Shelton asked if anyone in the audience wished to address the council on the proposed Liquor License for Chansage Ventures, Inc., d/b/a The Rage located at 219 N. Front Street. Hearing no response, the Public Hearing was closed at 5:58pm.

**CITY OF NILES
REGULAR CITY COUNCIL MEETING MINUTES
MONDAY, JANUARY 14, 2019**

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., January 14, 2019. The Pledge of Allegiance was led by Mayor Shelton.

PRESENT: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Jessica Nelson, Travis Timm Daniel VandenHeede, William Weimer and Mayor Nick Shelton

ABSENT: None

STAFF: Casperson, Huff, and Landgraf

CITIZEN PARTICIPATION:

Pastor Whittaker gave a formal invitation from the Michiana Christian Embassy to attend a conference at Southwestern Michigan College to hear special guest speaker Usama Dakdok talk about preservation of the Constitutional freedoms of thought, speech, and religious practices.

Michael McCauslin stated that the City of Niles has been very generous with the Greater Niles Chamber of Commerce at the City taxpayer's expense. The Chamber of Commerce entered into a lease agreement 40 years ago for \$1 per year to occupy the Carnegie Library building located at 321 E. Main Street. The lease required the Chamber of Commerce to maintain the building. The City of Niles put a new roof, HVAC system and masonry repairs because the Chamber of Commerce wasn't in a position to do the repairs financial. Since then, the Chamber of Commerce sold the Four Flags Plaza senior housing on 7th Street and Main and can afford to pay the city back. He demanded that the city council seek reimbursement or ask the City Administrator to negotiate reimbursement.

Lisa Croteau announced that Hunter Ice Festival is January 18-20 with many activities. Watch for information in the local newspapers and news.

CONSENT AGENDA:

1. Approval of the Minutes of December 17, 2018.
2. Consideration of approving the list of bills dated December 19, 2018 and January 8, 2019.
3. Consideration of approving a request from the Community Development to hold the 2019 Renaissance Faire in South Riverfront Park May 17-19, 2019 and consideration of approving overnight camping, vending, the close of the Ruff & Tumble Dog Park and the waiver of all fees for the event.
4. Consideration of approving a request from the Community Development Department to waive Building Permitting Fees and Plan Review Fees of approximately \$3,000.00 for the repair of the north porch of the Chapin Mansion and the addition of an ADA-accessibility ramp.
5. Consideration of approving the quote of \$5,298.80 from Premier Safety of Chesterfield, MI for the

purchase of five (5) Scott Self-Contained Breathing Apparatus Bottles (SCBAs) for use by firefighters.

6. Consideration of approving a request from the Public Works Department to accept the quote of \$14,791.00 from Coldspring Memorial to supply a 48-niche columbarium for Silverbrook Cemetery and consideration of allowing for the additional expenditure of up to \$750.00 for the necessary crane rental to install the columbarium.
7. Consideration of approving the payment of \$4,451.50 to Berrien County for the printing of election ballots and an increase in coding and canvassing fees for the November 6, 2018 General Election.

City Administrator Huff spoke to Ruff and Tumble Dog Park organizers and they agreed to close the dog park during the Renaissance event. Council Member VandenHeede questioned if the Renaissance Faire was a city sponsored event. Mr. Huff explained that the Niles History Center is organizing the event.

Council Member Weimer moved, **Council Member DiCostanzo** seconded, **MOTION CARRIED**, to approve the consent agenda as submitted.

ROLL CALL:

YEAS: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Jessica Nelson, Travis Timm, Daniel VandenHeede, and William Weimer

NAYS: None **ABSENT:** None **ABSTAIN:** None

CITY ADMINISTRATOR'S REPORT:

Introduction of Items for Discussion

Items for Council Action

8. Consideration of adopting a resolution recommending approval of a Class C Liquor License for Chansage Ventures, Inc., d/b/a - The Rage, located at 219 N. Front Street.

Local Government Approval
(Authorized by MCL 436.1501)

**CITY OF NILES
BERRIEN COUNTY
STATE OF MICHIGAN
RESOLUTION #2019-01/2078**

The following resolution was offered:

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

That the application from Chansage Venture, Inc., owner of The Rage **for the following license(s): Class C LIQUOR LICENSE ISSUED PURSUANT TO MCL 436.1521(a) to be located at 219 N. FRONT 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: 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 2019-01/2078 DECLARED ADOPTED.

9. Consideration of approving a Discharge of Mortgage and Mortgage Note associated with 615 Howard Street and consideration of authorizing the mayor to execute the necessary documents.

Council Member Weimer moved, **Council Member DiCostanzo** seconded, **MOTION CARRIED**, to approve a Discharge of Mortgage and Mortgage Note associated with 615 Howard Street and consideration of authorizing the mayor to execute the necessary documents.

ROLL CALL:

YEAS: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Jessica Nelson,

Travis Timm, Daniel VandenHeede, and William Weimer

NAYS: None **ABSENT:** None **ABSTAIN:** None

10. Consideration of approving a Letter of Commitment to participate on the Berrien County Brownfield Assessment Coalition and consideration of authorizing the city administrator to sign the letter. **Council Member Weimer** moved, **Council Member DiCostanzo** seconded, **MOTION CARRIED**, to approve a Letter of Commitment to participate on the Berrien County Brownfield Assessment Coalition and consideration of authorizing the city administrator to sign the letter.

ROLL CALL:

YEAS: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Jessica Nelson, Travis Timm, Daniel VandenHeede, and William Weimer

NAYS: None **ABSENT:** None **ABSTAIN:** None

11. Consideration of approving the 2nd Amendment to the land purchase agreement between the City of Niles and Indeck Niles, LLC and consideration of authorizing the mayor and the city clerk to sign the amendment.

VandenHeede voiced concern with the proposed development of the Indeck project stating that it was not in the best interest of the city.

DiCostanzo disagreed. During the construction of the project it will bring contractors into the area. The Brownfield Authority

- Council Member Weimer** moved, **Council Member DiCostanzo** seconded, **MOTION CARRIED**, to approve the 2nd Amendment to the land purchase agreement between the City of Niles and Indeck Niles, LLC and consideration of authorizing the mayor and the city clerk to sign the amendment.

ROLL CALL:

YEAS: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Jessica Nelson, Travis Timm, Daniel VandenHeede, and William Weimer

NAYS: None **ABSENT:** None **ABSTAIN:** None

APPOINTMENTS:

12. Consideration of appointing Mr. Larry Wilson to a four-year term on the Board of Public Utilities, effective January 1, 2019 and expiring on December 31, 2022.

Council Member Weimer moved, **Council Member DiCostanzo** seconded, **MOTION CARRIED**, to appoint Mr. Larry Wilson to a four-year term on the Board of Public Utilities, effective January 1, 2019 and expiring on December 31, 2022. **YEAS: 8 NAYS: 0**

13. Consideration of appointing Mr. Gary Timm, an electrician, to a two-year term on the Construction Board of Appeals, effective immediately and expiring on December 31, 2020.

Council Member Weimer moved, **Council Member DiCostanzo** seconded, **MOTION CARRIED**, to appoint Mr. Gary Timm, an electrician, to a two-year term on the Construction Board of Appeals, effective immediately and expiring on December 31, 2020. **YEAS: 8 NAYS: 0**

14. Consideration of approving the appointments of David Markel, Serita Mason and Linda McClain to three-year terms on the DART Local Advisory Committee (LAC), effective January 1, 2019 and expiring on December 31, 2021.

Council Member Weimer moved, **Council Member DiCostanzo** seconded, **MOTION CARRIED**, to appoint David Markel, Serita Mason and Linda McClain to three-year terms on the DART Local Advisory Committee (LAC), effective January 1, 2019 and expiring on December 31, 2021. **YEAS: 8 NAYS: 0**

15. Consideration of approving the re-appointment of Wendy Halder to a three-year term on the Historic District Commission, effective January 1, 2019 and expiring on December 31, 2021.

Council Member Weimer moved, **Council Member DiCostanzo** seconded, **MOTION CARRIED**, to reappoint Wendy Halder to a three-year term on the Historic District Commission, effective January 1, 2019 and expiring on December 31, 2021. **YEAS: 8 NAYS: 0**

16. Consideration of approving the re-appointment of Christina Arseneau and Mollie Kruck-Watson to

three-year terms on the Fort St. Joseph Archaeology Committee, effective January 1, 2019 and expiring on December 31, 2021.

Council Member Weimer moved, **Council Member DiCostanzo** seconded, **MOTION CARRIED**, to reappoint Christina Arseneau and Mollie Kruck-Watson to three-year terms on the Fort St. Joseph Archaeology Committee, effective January 1, 2019 and expiring on December 31, 2021.

YEAS: 8 NAYS: 0

17. Consideration of approving the appointments of Rodrigo Correa and John DiCostanzo to three-year terms on the Niles Planning Commission, effective January 1, 2019 and expiring on December 31, 2021.

Council Member Weimer moved, **Council Member DiCostanzo** seconded, **MOTION CARRIED**, to reappoint Rodrigo Correa and John DiCostanzo to three-year terms on the Niles Planning Commission, effective January 1, 2019 and expiring on December 31, 2021. **YEAS: 8 NAYS: 0**

CITY ATTORNEY'S REPORT:

18. **First Reading and Introduction** of a proposed Revised Amendment to Ordinance 481: Authorization of Medical Marihuana Facilities

19. **First Reading and Introduction** of a proposed Revised PILOT Ordinance for the Berkshire Apartments.

20. **First Reading and Introduction** of a proposed ordinance to amend the Tax Increment Finance (TIF) Plan for the Downtown Development Authority.

COUNCIL MEMBER'S REPORT:

Daniel VandenHeede voiced concern with the addition of two more medical marijuana dispensaries. He mentioned that he was hopeful that the Chamber of Commerce would contribute to the renovation of the Carnegie Library building in order to get it up to market value. He and City Administrator Huff met with Mike Keenan, IUSB President to talk about an incremental development project. This is especially useful in bring market rate development. He will be attending workshop in Kalamazoo next Wednesday to learn more about incremental development.

Travis Timm is looking forward to the Hunter Ice Festival. He also mentioned that marijuana should be dealt with much like alcohol.

Charlie McAfee thanked the Mayor and City Administrator for taking the time to answer her questions prior to the council meetings. The Niles Community Library has a Smithsonian Water Wave exhibit. She encouraged the community to take some the mini-courses that the library has to offer. Monday, January 21, 2019 is Martin Luther King Day and Mount Calvary Baptist Church, 601 Ferry Street is having a program at 7am. The mayor will be conducting the opening remarks.

William Weimer agreed with former Mayor McCauslin. He also reported that someone disposed old tires throughout the neighborhood. Anyone having information should report it to the local authorities.

John DiCostanzo made a motion to agree as the council and insist that Chamber of Commerce make good on the repairs and improvements made to the Carnegie building and expect them to do so without taking legal action. **Weimer** seconded.

There was discussion regarding the Chamber's position for maintaining the building and City Administrator Huff explained that they simply didn't have the money. There was further discussion regarding the City's position to reconcile a solution. Mr. Huff stated that in 2016 when the Chamber's lease was up and it was an opportunity to evaluate the building's use and maintenance needs.

Amendment to the motion to have the City Administrator begin negotiations with the Chamber of Commerce to collect on the repairs made to Carnegie building. **MOTION CARRIED**

ROLL CALL:

YEAS: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Jessica Nelson,

Travis Timm, Daniel VandenHeede, and William Weimer

NAYS: None

ABSENT: None

ABSTAIN: None

Georgia Boggs thanked Pastor Whittaker. She also mentioned that recreational marijuana has been and undertaking on law enforcement in Colorado. Council Member Boggs reported on a situation involving an incident on Pokagon Street with a person on a wheelchair on their way to the YMCA.

Gretchen Bertschy moved to excuse Council Member Boggs from the December 17, 2018 meeting. Council Member Weimer seconded. MOTION CARRIED.
She is also looking forward to the Hunter Ice Festival.

MAYOR'S REPORT: Mayor Shelton wish everyone a Happy New Year. The street department received complements on snow removal during the weekend. The Chapin Mansion has a fundraiser going to help with the repair of the porch and ADA ramp. He encouraged everyone to see the Smithsonian Water Wave exhibit. He looks forward to the Hunter Ice Festival. Indeck will be exciting for the community and the city will see tax revenues from the development of the facility. He thanked the city staff for their work in putting together the medical marijuana ordinance.

ADJOURNMENT: Council Member Weimer moved to adjourn at 7:15pm.

Linda Casperson
Niles City Clerk

Date