

Minutes of the regular meeting of the City Commission held Monday, August 12, 2019, at 7:00 p.m., in the City Commission Room.

Mayor Joseph called the meeting to order and the Pledge of Allegiance was recited.

Commissioners Present: Mayor Joseph and Vice Mayor Gillis; Commissioners Kulick, LaLonde, Ling, Perschbacher and Tolas

Commissioners Absent: None

Others Present: City Manager Ridley, City Clerk Howard and City Attorney Homier

Proclamations and Presentations

Jim MacLean and Curt Wager with Mt. Pleasant Little League gave an update on the 2019 Major Baseball Little League State Tournament that was recently held in Mt. Pleasant.

Lisa Diaz Sytsema, representing Swim Friends of Mid-Michigan, gave a presentation regarding the status of the aquatic center.

Jim McBryde, President, Middle Michigan Development Corporation (MMDC), gave a quarterly update on the status of the MMDC.

Receipt of Petitions and Communications

Received the following petitions and communications:

1. City Manager report on pending items.
2. Planning Commission work session and regular meeting minutes. (June)
3. Correspondence received from Larry Klaus, Chief of Police, Central Michigan University; Pete Rogers, Pete's Auto Body, 617 W. Pickard; Doug Struble, Lease Management, 503 Industrial Ave.; Sam Staples, 300 N. Russell; Rudolph Kler, Kler Land, LLC, 503 Industrial Ave.; Sal Viviano, Industrial Dr., and Alex Hollenbeck, President/CEO, On The Mark, Industries, 801 Industrial Dr., regarding adult-use marihuana establishments.
4. Letters at the dais from Angela Pritt, 1303 E. Illinois Ct.; Kathleen Mumford, Mumford Oil and Gas Supply LLC, 1300 N. Fancher; and Andy Theisen, Konwinski Construction Inc., 1900 Gover Pkwy, regarding adult-use marihuana establishments in industrial zones.
5. Letter at the dais from Brandon McQueen, 614 S. Oak St., regarding adult-use marihuana establishments and initiative petition.

Moved by Commissioner Kulick and supported by Vice Mayor Gillis to approve the following items on the Consent Calendar:

1. Minutes of the regular meeting of the City Commission held July 22, 2019.
2. Resolutions to adopt and implement a Michigan Department of Transportation (MDOT) Local Agency Pavement Warranty Program as follows:

RESOLUTION TO ADOPT A LOCAL PAVEMENT WARRANTY PROGRAM

WHEREAS, the Michigan Legislature (MCL 247.663) requires each city or village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018;

WHEREAS, the Michigan Local Agency Pavement Warranty Program was developed by the Local Agency Pavement Warranty Task Force for use by all 533 cities and villages in the format approved by the Michigan Department of Transportation in 2018;

WHEREAS, the Michigan Department of Transportation has reviewed and approved the Michigan Local Agency Pavement Warranty Program consisting of Special Provisions (Boilerplate, Concrete, HMA, Location, Pass-Through Warranty Bond); a Warranty Bond Form and Contract Form; and Guidelines for Local Agency Pavement Warranty Programs;

NOW THEREFORE BE IT RESOLVED, the City of Mt. Pleasant hereby adopts the Michigan Local Agency Pavement Warranty Program and accompanying documents in accordance to the requirements of MCL 247.663;

BE IT FURTHER RESOLVED, this resolution is made a part of the minutes of City of Mt. Pleasant meeting on August 12, 2019.

RESOLUTION TO IMPLEMENT A LOCAL PAVEMENT WARRANTY PROGRAM

WHEREAS, The Michigan Legislature created a requirement (MCL 247.663) as part of the Transportation Funding Package of 2015 that requires each city and village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018;

WHEREAS, the City of Mt. Pleasant adopted the Michigan Local Agency Pavement Warranty Program on August 12, 2019;

WHEREAS, the City of Mt. Pleasant agrees to consider a local pavement warranty on each project that includes \$2 million or more in paving-related items and includes any state or federal funds;

WHEREAS, the Local Agency Pavement Warranty Program law requires each city and village to report annually on each project that includes \$2 million or more in paving-related items and includes any state or federal funds, whether or not a warranty was utilized in the project;

WHEREAS, the City of Mt. Pleasant agrees to implement the Michigan Local Agency Pavement Warranty Program consistent with the Guidelines for Local Agency Pavement Warranty Program document that was approved by the Michigan Department of Transportation in 2018; and which City of Mt. Pleasant's adopted Implementation Policy defines the City of Mt. Pleasant's intent of its pavement warranty program;

NOW THEREFORE BE IT RESOLVED, the City of Mt. Pleasant hereby agrees to implement the Local Agency Pavement Warranty Program and annually report in accordance with the law.

3. Receive proposed amendment to the Zoning Map of Chapter 154: Zoning Ordinances of the Code of Ordinances of the City of Mt. Pleasant to rezone a parcel of land at Canal and Riverview from CD-3L, Sub-Urban Large Lot to CZ, Civic Zone and set a

- public hearing for September 9, 2019 at 7:00 p.m. in the City Commission Chambers, Mt. Pleasant City Hall, 320 W. Broadway St., Mt. Pleasant, on the same.
4. Receive recommended text change to Chapter 154 Subsection 154.114 - *Non-Conforming Lots, Uses, Structures & Improvements* of the Code of Ordinances of the City of Mt. Pleasant to regulate the reconstruction of certain non-conforming parking areas and set a public hearing for September 9, 2019 at 7:00 p.m. in the City Commission Chambers, Mt. Pleasant City Hall, 320 W. Broadway St., Mt. Pleasant, on the same.
 5. Receive proposed amendment to Chapter 30 Subsection 30.04 - *Agenda* of the Code of Ordinances of the City of Mt. Pleasant regarding the addition and or deletion of agenda items and set a public hearing for August 26, 2019 at 7:00 p.m. in the City Commission Chambers, Mt. Pleasant City Hall, 320 W. Broadway St., Mt. Pleasant, on the same.
 6. Authorize the Mayor and Clerk to sign the Agreement with Renaissance Public School Academy for PEAK services for the 2019-2020 academic year.
 7. Approve the appointment of Mayor William Joseph as the voting delegate, representing the City of Mt. Pleasant at the Michigan Municipal League annual member's meeting and appoint Vice Mayor Lori Gillis as the alternate.
 8. Warrants dated July 23, 30 & 31, 2019 and Payrolls dated July 26, 2019 all totaling \$1,830,326.28.

AYES: Commissioners Gillis, Joseph, Kulick, LaLonde, Ling and Perschbacher

NAYS: Commissioner Tolas

ABSENT: None

Motion carried.

A public hearing was held on intent to designate a Neighborhood Enterprise Zone. There being no public comment or communications, the Mayor closed the public hearing. No action taken at this time.

A public hearing was held on intent to designate a Commercial Redevelopment District (CRD) West Broadway Commercial Redevelopment District No. 1. There being no public comment or communications, the Mayor closed the public hearing.

Moved by Commissioner Kulick and supported by Commissioner Ling to approve the resolution designating a Commercial Redevelopment District (CRD) West Broadway Commercial Redevelopment District No. 1 as presented. (CC Exh. 3-2019)

AYES: Commissioners Joseph, Kulick, LaLonde, Ling and Perschbacher

NAYS: Commissioners Gillis and Tolas

ABSENT: None

Motion carried.

Karen Varanauskas, 420 S. Kinney, spoke in regard to her appeal to the removal of dangerous trees on private property under City Ordinance 99.11.

Moved by Commissioner Kulick and supported by Commissioner Tolas to reverse the request for the tree removal and ask that the property owners provide a written report to the DPW Director annually regarding the health of the tree. Motion unanimously adopted.

Moved by Commissioner Kulick and supported by Vice Mayor Gillis to approve a resolution in support of exploring the creation of a recreational authority as a means to advance community dialogue regarding an aquatic center as follows:

WHEREAS, Swim Friends of Mid-Michigan formed to explore the need, desire and feasibility of the development of a multipurpose community aquatic center; and

WHEREAS, Swim Friends of Mid-Michigan commissioned a feasibility study to understand community and stakeholder interest, needs and goals, explore partnership opportunities, develop design concepts, and develop capital and operating cost projections; and

WHEREAS, the feasibility study, completed in August 2018, concluded there is enough community demand for an aquatic center; that a well-designed, programmed and managed aquatic center can produce annual positive net operating income; and

WHEREAS, the creation of a Recreational Authority is recommended in the study to facilitate examining capital financing options, provide governance to the center, design specific operating revenue and expense budgets; and

WHEREAS, for all the reasons stated above the continued exploration of achieving the goals of an aquatic center is the logical next step.

NOW, THEREFORE, BE IT RESOLVED: We, as members of the Mt. Pleasant City Commission support the exploration of creating a Recreational Authority and request that area stakeholders, including area local governments and educational institutions:

(1) Work together to determine the feasibility of creating a recreational authority.

(2) Create a report outlining a proposed framework to include governance options, geographic boundaries, the size and composition of the board of the authority, and other matters required of an authority to oversee the building and operations of a community aquatic center.

FURTHER: The Mt. Pleasant City Commission appoint the following two individuals to a study committee to accomplish the above tasks

1) City Manager Nancy Ridley

2) City Commissioner to be appointed by the Mayor

FURTHER: The City of Mt. Pleasant commits up to \$5,000 to provide funding for outside professional support (e.g. legal, financial advice) to the committee, if needed, in creating the above-mentioned report. This funding commitment is contingent upon at least two additional parties who commit to form the committee providing similar amounts of funding.

AYES: Commissioners Gillis, Joseph, Kulick, LaLonde, Ling and Perschbacher

NAYS: Commissioner Tolas

ABSENT: None

Motion carried.

Moved by Commissioner Kulick and supported by Commissioner Ling to conduct a closed session pursuant to subsection 8(h) of the Open Meetings Act to consider material exempt from discussion or disclosure by state or federal statute.

AYES: Commissioners Gillis, Joseph, Kulick, LaLonde, Ling, Perschbacher & Tolas

NAYS: None

ABSENT: None

Motion unanimously adopted.

Announcements on City-Related Issues and New Business

Commissioner Ling thanked those involved with the Sister City visit, IRC, host families, city staff and local businesses including Isabella Bank and Krapohl Ford.

Commissioner Perschbacher announced that the Broadway Theatre will be showing the 1977 Stars Wars: IV Episode - A New Hope on August 23rd and 24th.

Mayor Joseph echoed Commissioner Ling's sentiments with regard to the recent Sister City visit and commented that he enjoyed spending time with the group. He thanked city staff and Taylor Idema for their efforts with the Arts Pavilion and recent ribbon cutting; announced the Dancing in the Streets event taking place August 17th and announced that the ICRH will be renovating their new facility on Pine Street on August 18th and could use volunteer help if public is interested.

Vice Mayor Gillis commented that the Arts Pavilion ribbon cutting and musical acts were excellent and thanked city staff and Taylor Idema and donors who helped make it possible.

Public Comment on Agenda and Non-Agenda Items

Doug Collins, 2001 Elva St., Apt 413, thanked staff again for naming street after his father Larry Collins whose 94th birthday would have been today. Mr. Collins was instrumental in working with IRC as well.

Ben McQueen, 2270 Theatre Tr., #74, would like to be put on the Parks and Recreation Commission agenda to appeal his being banned from City parks.

The Commission recessed at 8:10 p.m. and went into closed session at 8:15 p.m. A separate set of minutes was taken for the closed session. The Commission went back into open session at 8:31 p.m.

Moved by Commissioner Kulick and supported by Commissioner Perschbacher to accept the initiative petition received under the MRTMA and approve the ballot language as presented for the November 5, 2019 election. (CC Exh. 4-2019) Motion unanimously adopted.

The Commission recessed at 8:33 p.m. and went into a work session at 8:40 p.m.

WORK SESSION

1) Discussion on recreational marijuana.

Mayor Joseph and City Manager Ridley led a discussion on recreational marijuana.

Discussion ensued.

Staff will incorporate generally agreed upon ideas into a draft ordinance which will be brought to the Commission at the next meeting.

Mayor Joseph adjourned the meeting without objection at 10:17 p.m.

William L. Joseph, Mayor

Jeremy Howard, City Clerk