



**REGULAR MEETING
CEDAR SPRINGS CITY COUNCIL**

MINUTES

Thursday, September 12, 2019

7:00 p.m. Meeting

**Cedar Springs City Hall
66 S. Main St.
Cedar Springs, Michigan**

1. **Conley** call to Order at 7:00 pm and Pledge of Allegiance was recited.

2. <u>ROLL CALL:</u>	Ms. Lisa Atchison	<u>Present</u>
	Mrs. Pamela Conley, Mayor Pro Tem	<u>Present</u>
	Mr. Jerry Gross Sr.	<u>Present</u>
	Mrs. Molly Nixon	<u>Present</u>
	Ms. Rose Powell	<u>Present</u>
	Mrs. Renee Race	<u>Present</u>
	Mr. Gerald Hall, Mayor	<u>Excused</u>

Motion by **Nixon** supported by **Powell** to excuse Gerald Hall.

Voice Vote 6-0 Motion Carried.

3. PUBLIC COMMENTS.

The Council welcomes and encourages the public to speak during the public comment and public hearing portions of the agenda. However, Council policy is to hear the public comment, not to act on the public comment at this time. Concerns brought before the Council during the Public Comment portion of the agenda will be referred to the City Manager for action. If, after communicating with the City Manager, no resolution is reached, the concern will be elevated to the Mayor and then eventually to the Council for action.

Those citizens wishing to speak on agenda and non-agenda items will be allowed a maximum of four minutes each to address their concerns. This is the only time during

the Council meeting that citizens are allowed to address the Council. Please state your name and address for the record if you would like.

Laura Nozal reported that her boat and camper were parked on her side patio slab for one day and the Code Enforcer issued a letter. As much as she appreciates how punctual she is, it seems a bit excessive. She also expressed concerns regarding her water bill and the conditions of the roads.

Andrew Martin stated that professionalism has not been addressed with the City Manager or the Code Enforcer. He expressed frustration regarding fences, boats, the Amphitheater, and roads. He felt that he had met with difficulty in dealing with the staff and the City Manager.

Perry Hopkins publicly noted that the Mike Womack has done a good job drafting up policy for the amphitheater. He reviewed the rules and thought that item 13 needed additional review. He thought that the use of tents could be beneficial for certain events. He was pleased to see all of the double lights on the corners of Main Street were now lit.

Rosemary Hunt expressed concern about people that do not stop at the four way stop by the old library. Many children are playing in that area and she worries that there will be an injury or worse.

Donna Clark relayed success of the Summer Reading Program, the Survivor presentation with Brook Whipple, and the movie event Breakthrough with pig roast. She made a special thank you to the City Manager Mike Womack and his wife for the personal donation of the inflatable movie screen.

Dave Ringler echoed Mr. Hopkins statements about the Amphitheater and wants to make sure there is a pathway for safely creating attractions to fill the new hotel, businesses and restaurants.

Cedar Springs Public Schools

Superintendent, Scott Smith reviewed the upcoming bond proposal, building use, and forecasted changes with the council. He stated that this is a lengthy project, if it passes, the school would start right away on the plans. Estimated timeline Fall of 2023 – finish the new 8/9 grade building. 2023- start on Red Hawk and design process for Beach. 2025 for Beach.

4. PUBLIC HEARINGS.

A. None

5. ADOPTION OF AGENDA.

Motion by **Atchison** supported by **Nixon** to approve the agenda with changes to add 8G Amphitheater Fence.

6. CONSENT AGENDA.

Councilmembers may request that any or all items be removed from the Consent Agenda. A motion is then in order to adopt all items not removed from the Consent Agenda. Requesting the removal of an item from the Consent Agenda is a prerogative afforded each councilmember and does not require the support of other councilmembers.

- A. Approval of the minutes of the Regular Meeting August 08, 2019.
- B. Approval of the Checks Paid Prior #s 42296 thru 42380 and Electronic Transfers totaling \$727,079.51.
- C. Motion to approve of the \$6,400.00 annual disbursement to the Cedar Springs Area Parks and Recreation (2019-2020 Fiscal Year).
- D. Motion to approve the following Mayoral Appointments:
 - a. Planning Commission
 - i. Ashley Watson (2019-2021)
 - b. Board of Review
 - i. _____ (Alternative) (2019-2020)
 - c. Election Commission
 - i. Nancy Fraser (2019)
- E. Motion to approve Waste Water Treatment Plant to hire Richland Machine to begin reconditioning of the Influent pump rotating assemblies at the plant per capital outlay plan. Bid amount of \$19,918.00
- F. Motion to readopt the modified Resolution 2019-23 Exhibit A, New Fees And Charges For Municipal Water Service.
- G. Motion to approve the Phase 2 Environmental Assessment for the fire station project in an amount not to exceed \$14,000

Motion by **Nixon** supported by **Gross** to approve the consent agenda as presented.

7. ACTION ITEMS:

- A. Motion to approve the purchase of a TC 600S Radar Sign for a price not to exceed \$4010.00.
 - a. DDA approved \$1,500

Womack discussed the benefits of the purchase of the speed sign. He thinks it is a good first step to slow down traffic.

Motion by **Gross** supported by **Nixon** to approve the purchase of a TC 600S Radar Sign for a price not to exceed \$4010.00

Roll Call Vote **6-0** **Motion Carried.**

B. Motion to approve Cemetery Rules as presented.

Conley appreciated the conversations with Mayor Hall about complexities and need to update the rules.

Motion by **Gross** supported by **Atchison** to approve Cemetery Rules as presented.

Voice Vote **6-0** **Motion Carried.**

C. Motion to approve Dean's Landscaping & Excavating, Inc bid to complete the parking lot at 2nd /Maple Street for an amount not to exceed \$28,409.

a. Parking Lot diagram

Womack reported that we've been working on this project for a while. Cost was originally around \$90,000 so it's come down substantially.

Motion by **Powell** supported by **Atchison** to approve Dean's Landscaping & Excavating, Inc bid to complete the parking lot at 2nd /Maple Street for an amount not to exceed \$28,409.

Roll Call Vote **6-0** **Motion Carried.**

D. Motion to approve Michigan Paving & Materials to complete the 2019 paving for major and local streets per bid for an amount not to exceed \$169,063.

Womack reported that the state does not give enough ACT 51 to maintain roads. The original estimate was \$200,000 and the bids came in a little lower. **Conley** reported that revenue sharing was dramatically cut 8 - 10 years ago. She explained this is why we don't have enough road money to fix the roads. **LaRose** reported that paving is estimated to be completed late October/Early November.

Motion by **Gross** supported by **Nixon** to approve Michigan Paving & Materials to complete the 2019 paving for major and local streets per bid for an amount not to exceed \$169,063 as presented.

Roll Call Vote **6-0** **Motion Carried.**

E. Motion to approve the Quit Claim Deed and Transfer Agreement between the Community Building Development Team and the City of Cedar Springs, transferring the ownership of the Amphitheater building located in the Heart of Cedar Springs park to the City.

a. Quit Claim Deed

- b. Transfer Agreement
- c. Certificate of Occupancy

Conley stated that she is incredibly grateful for the CBDT for the Library, Amphitheater, possibly a Community Building.

Motion by **Powell** supported by **Atchison** to approve the Quit Claim Deed and Transfer Agreement between the Community Building Development Team and the City of Cedar Springs, transferring the ownership of the Amphitheater building located in the Heart of Cedar Springs park to the City.

Roll Call Vote 6-0 Motion Carried.

F. Motion to approve additional Kent County Sheriff Deputies for pedestrian and traffic control for the October 31st, 2019 Halloween downtown trick or treating event from 5:00 P.M. until 6:30 P.M. at an estimated cost of \$350.

Conley asked if the event is no longer called Spooktacular? **Hopkins** clarified that the event was originally a city event named Spooktacular. **Conley** will donate candy to be passed out at City Hall. **Womack** reported that trick or treating can start earlier, but deputies will not begin traffic patrol until 5pm.

Motion by **Gross** supported by **Race** to approve additional Kent County Sheriff Deputies for pedestrian and traffic control for the October 31st, 2019 Halloween downtown trick or treating event from 5:00 P.M. until 6:30 P.M. at an estimated cost of \$350.

Roll Call Vote 6-0 Motion Carried.

8. DISCUSSION ITEMS:

A. Metal detecting policy

Womack stated that most experienced Metal Detectives know what they are doing but it is nice to be able to hand a policy to an amateur is helpful.

Motion by **Gross** supported by **Race** to make Metal detecting policy an Action Item.

Voice Vote 6-0 Motion Carried.

Motion by **Powell** supported by **Atchison** to approve Metal detecting policy as written.

Voice Vote 6-0 Motion Carried.

B. Rabbits

- a. Keeping rabbits as outdoor pets
- b. Keeping rabbits for breeding/meat production

Womack reported that currently rabbits are permitted as an indoor pet. This discussion is to start the dialog about what the Council wants to permit in the City. **Nixon** felt that no more than two breeding pairs should be permitted. She liked **Gross's** idea of limiting the total number of pets and do not permit any animal to be slaughtered on personal property. **Powell** expressed concern about slaughtering, contamination, and remains problems. **Gross** is in favor of option A and he posed breeding questions, nuisance, and zoning concerns. **Conley** does not want to determine if a rabbit is a pet or is intended as a meat rabbit.

C. Amphitheater Policy and Guidelines

Womack reported that this was a result of committee meetings, community members, and interested parties. The policy is open to changes, but as stated guidelines are necessary to set community standards. **Gross** does not think we shouldn't limit the genre. He thought that there should be general standards, such as profanity, content, volume, and time guidelines. **Conley** agreed that it should not discrimination against the genre. **Atchison** offered a correction to item 13 "that block the view". She suggested limiting the stake size rather than prohibiting all tents. **Womack** would like to see standard locations designated for porta potties. He also would like to install an asphalt path off Maple Street to be used for off-loading equipment. **Gross** wondered if event guidelines would include private rentals such as weddings, etc. would be considered. **Womack** wondered about other relatable problems such as the Chili Cookoff, family reunions, etc. The Amphitheater should be entertainment for all residents, community based, not private affairs which would be more suited for a Community Center/Building.

D. Chamber of Commerce Community Event Applications

- a. December 7th Carriage Rides
- b. November 15th-January Tree Lighting and Nativity display in Heart of Cedar Springs public park

Perry Hopkins reported that Christmas is not a religious holiday, it is secular. The City has reservations for hosting the Chamber's nativity display on City Property. He referenced *Lynch v. Donnelly*, stating if the display was presented with other traditions, it was not deemed unconstitutional. **Conley** expressed concern that if they embraced one application from a religious group, they would have to permit all devotions. **Womack** explained that previous displays have been hosted on private property. The City must follow the law regarding what is permitted on City Property. **Laura Ensley** reported on behalf of the Chamber of Commerce stating that they want to move it for safety. There is less traffic at the Heart of Cedar Springs. **Gross** explained It is not necessarily our feelings, it is our protecting the City. **Womack** reported that he has tried to find solutions to make this work. If the Chamber removes the nativity immediately after the event, it could be permitted. **Perry Hopkins** reported that they are also working on having warm up stations and hot chocolate in the library. **Womack** requested that the DPW look at heater equipment at Amphitheater for safety.

E. Decorating City Hall for Red Flannel Day as requested by Councilor Powell

Powell stated that she would like to decorate City Hall two weeks prior to Red Flannel Day. She reported that Red Flannel Day feels like a holiday, culture, and part of our heritage. So, she was hoping that we could get a committee to put up items that represent the culture of Red Flannels. **Nixon** clarified that the decorations would be relating to the history, not specifically to the festival or the theme of the festival itself. **Womack** stated that there is strong confusion about who runs the Festival. The City does not put the festival on. When we decorate, we are putting out the message that the Festival runs the City and/or that the City runs the Festival. There is a reason why there are red dots on all the sign. There is a reason why we keep it separate. We are setting up an entanglement. **Race** stated that there is a Red Flannel Store. Why aren't those items on display at the Red Flannel store? **Atchison** understands that the city does not put on the festival, but the city can make actions toward supporting the festival. **Nixon** supports the Red Flannel Festival, but she feels that the council is over reaching and overstepping into office affairs of the City about something that is not public policy.

Motion by **Powell** seconded by **Atchison** to decorate the interior area of City Hall in celebration of the Red Flannel Holiday beginning the week of the Scholarship Pageant through Red Flannel Day with historical documentations and artifacts history of the festival.

Yes- Atchison and Powell
No- Conley, Gross, Race, and Nixon

Roll Call Vote **2-4** **Motion Failed.**

Womack reported that he is okay with decorating the City Hall the Day of Red Flannel Day. Ms. Powell is invited to decorate that Friday since governmental business that day Friday since we are closed and then remove by Sunday.

F. Red Flannel Day-staffing City Hall

Womack requested that City Council sign up to assist in keeping City Hall open on Red Flannel Day. **Powell** will come at 10am to keep City Hall open.

G. Amphitheater Fence

Womack is considering the idea of placing a rope fence at the Amphitheater. **LaRose** suggests parallel parking only and noted that the proposed fence is easy to maintain, easy to mow around, and the estimated cost is under \$3,000. **Powell** requested that the area that was recently seeded by the railroad track is roped off.

Straw Poll Vote to complete project before Red Flannel Day.

Yes- Powell, Atchison, Nixon, Race, Gross, Conley
No- None.

9. COMMUNICATIONS:

- A. Community Events Calendar
Cordell Green Pumpkin Giveaway Morley Park Saturday before Halloween
October 26th
- B. MML Insurance Dividend - \$3,656
- C. MERS Annual Actuarial Valuation Report
- D. Dog Park Facebook Comments

10. DEPARTMENT REPORTS:

- A. City Manager – Reminded City Council about his upcoming personnel review.
- B. Department of Public Works – Questions regarding water bills generally go through Carrie Rodwell. As a point of clarification, the new water meters are accurate, the older ones were not, so current billing is more precise.
- C. Police Department – No representative present, but City Manager reports things have been quiet.
- D. Fire Department – New building is progressing forward.
- E. City Clerk – Rebecca Johnson will address anything in the next Council Meeting.
- F. Finance Director/Treasurer - Audit report will be in next month and available to the public.
- G. Code Enforcement – City Manager stated that Code Enforcement is a tough but necessary role.
- H. Building Inspection – City Manager stated there was nothing to report to Council.
- I. Board and Commission Minutes:
 - a. Gala October 19, American Legion

11. COUNCIL COMMENTS.

Atchison really appreciates the staff. She is proud of the accomplishments completed by the community. These projects cannot be done by one person alone.

Powell is so proud of the eleven high school students that are competing for the Red Flannel Scholarship.

Conley thanked the Fire Department for their work at the apartment fire. Thankful to live in a community that worked to assist those in need after the apartment fire.

Gross appreciate the fact that we can disagree and that it does not come to a battle. I really appreciate the way we address things. We fall short of reading the packet before the meeting. There is no way we can make every citizen happy, but we have to work to make the best community for everyone. Go Hawks!

Race appreciate the history on this board and each member brings a lot to the table.

Nixon clarified that the mill and fill is proposed for 1st street from Muskegon to Cherry, maple 1st Street to park, Ann Street from Muskegon to Beech. If the 90 Decibel sound limit does not work for the Amphitheater perhaps there are options to dampen the sound in the future.

12. ADJOURNMENT.

Motion by Conley adjourned the meeting at 9:28 pm.

Shandell Napieralski, Deputy City Clerk

Pam Conley, Mayor Pro Tem