



**REGULAR MEETING
CEDAR SPRINGS CITY COUNCIL**

MINUTES

Thursday, May 12, 2022

7:00 p.m. Meeting

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

1. Mayor Conley called the meeting to order at 7pm and the Pledge of Allegiance was recited.

2. ROLL CALL:

Ms. Lisa Atchison	<u>Excused</u>
Mr. Jerry Gross Sr.	<u>Present</u>
Ms. Ashley Hamel	<u>Excused</u>
Mrs. Molly Nixon, Mayor Pro Tem	<u>Arrived at 7:05pm</u>
Ms. Rose Powell	<u>Present</u>
Mrs. Renee Race	<u>Present</u>
Mrs. Pamela Conley, Mayor	<u>Present</u>

Motion by **Powell** seconded by **Race** to excuse Atchison, Hamel, and Nixon.

Voice Vote 4-0 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.

Nixon arrived at 7:05pm.

Kame Howe reported that the library has had many successful programs including story time, spring bingo, seed starting, Easter events, readers theater, and senior programming. She also reminded everyone of the library's 5th birthday celebration.

James Covel reported that he has removed his belongings from the City Property. He reported that the city would need to build a bridge to make the land usable for city purposes. He requested the board consider allowing him to lease the property from the city.

Gage Selvius spoke on behalf of the multifamily dwellings. He reported that he thought the homes were built in compliance, but that zoning had changed and made the homes non-conforming. He reported that the homes have been legal non-conforming properties for decades. His clients received a letter from the Code Enforcer stating that the homes needed to convert to single family homes if they are sold. He stated that the letter has no legal basis and is an unconstitutional taking. He reported that the Cedar Springs zoning ordinance permits legal non-conforming uses, cited MCL 125.3208, and reported that there is case law that supports that non-conforming use can continue after a sale of property. If the City does not respond the property owners will pursue litigation.

Christopher Conflitti feels that there are people in power that are not using the power for the people. He reported that he needs a resolution to the multifamily home problem before he can rebuild his multifamily home that was fire damaged.

Dan Spitzbergen reported that the multifamily home issue has been removed from the agenda. He has been working to resolve this issue and legal action was necessary because he has tried to work with the City Manager and the Mayor and no action was taken. He urged the council to make a decision.

Derek Wladischkin reported that he was confused that the council was surprised by the potential legal action of the landlords when the City Manager reported that he was ready to take legal action on the issue. He reports that he has had several vacant apartments because the city will not let him get a rental application until the multifamily home issue is resolved. He reported that he has contacted the City Manager months ago without a response.

Sue Wolfe reported that it was hard to hear that the City Manager and the Mayor have had several meetings with the proposed apartment complex, but that no action has been taken on their ongoing multifamily issue. She did not want to take the city to court, but asked what else can they do?

4. PUBLIC HEARINGS.

A. 2022-2023 Budget

Conley opened the public hearing at 7:32pm.

Public Comment: None.

Conley closed the public hearing at 7:34pm.

5. ADOPTION OF AGENDA.

Motion by **Nixon** seconded by **Race** to adopt the agenda with the addition of 7E Motion To Approve Of The Letter Of Support For Downtown Pocket Park And To Modify Item 7B Subpart 5 "There Shall Be A Continuous Five-Foot Wide, ADA-Compliant Sidewalk That Connects An Off-Site Vehicle Parking Area To The Place Of Worship.

Roll Call Vote

5-0

Motion Carried.

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 April 14, 2022.
- B. Approval of the Checks Paid Prior #s 46272 thru 46341 and Electronic Transfers totaling \$135,730.17.
- C. Motion To Approve Resolution 2022- 09 A Resolution To Adopt The City Of Cedar Springs' 2022-2023 Annual Budget
- D. Motion To Approve Resolution 2022- 10 A Resolution To Establish The Millage Rate For Real And Personal Property In The City Of Cedar Springs For The Fiscal Year 2022 – 2023
- E. Motion To Approve Resolution 2022- 11 A Resolution To Adopt The 2022 Fees And Charges For Municipal Services.
- F. Motion to approve the MML Liability & Property Pool coverage proposal in the amount of \$48,587 and the MML Worker's Comp coverage proposal for a price not to exceed \$3,580.00.
- G. Motion to adopt revisions as presented to Policy 14: Policy Regarding Public Inspection of Assessing Records.
- H. Motion to approve purchase of Influent Pump Motor at WWTP. Price not to exceed \$15,457.42.
- I. Motion to approve of the Option to Purchase Real Estate Agreement for the property at 333 Ash St.

- J. Motion to approve of the Drainage Easement for the White Pine Trails neighborhood
 - i. Drainage Easement Exhibit A

Powell reported that it was tough to raise water rates, but that it was necessary. **Conley** remarked that NPR reported that small communities across the US are seeing water rates double and triple.

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

Roll Call Vote **5-0** **Motion Carried.**

7. ACTION ITEMS:

- A. Motion to approve of the 2022 Cedar Springs Social District Plan

- i. Motion to approve Resolution 2022-12 A Resolution Approving and Recommending Michigan Liquor Control Commission Consideration And Approval Of Certain Licensees For Social District Permits Pursuant To Public Act 24 Of 2020

Motion by **Powell** seconded by **Nixon** to approve Resolution 2022-12 A Resolution Approving and Recommending Michigan Liquor Control Commission Consideration And Approval Of Certain Licensees For Social District Permits Pursuant To Public Act 24 Of 2020.

Roll Call Vote **4-1 (Gross)** **Motion Carried.**

- ii. Motion to approve Resolution 2022-13 A Resolution Designating Social Districts That Contain Commons Areas In Order To Allow Certain On-Premises Liquor Licensees Expanded Use Of Shared Areas For Consumption Of Alcohol Pursuant To Public Act 24 Of 2020

Motion by **Powell** seconded by **Race** to approve Resolution 2022-13 A Resolution Designating Social Districts That Contain Commons Areas In Order To Allow Certain On-Premises Liquor Licensees Expanded Use Of Shared Areas For Consumption Of Alcohol Pursuant To Public Act 24 Of 2020

Roll Call Vote **4-1 (Gross)** **Motion Carried.**

- B. Motion to approve Ordinance 240 An Ordinance To: Amend Chapter 32, Article VIII-Section 32-696 Uses-C Through E, Subpart (B) Churches Of The Code Of Ordinances For The City Of Cedar Springs. **And to Modify Subpart 5 “There Shall Be A Continuous Five-Foot Wide, ADA-Compliant Sidewalk That Connects An Off-Site Vehicle Parking Area To The Place Of Worship.** The proposed ordinance reduces the required lot size and amends parking requirements for Churches. – Second Reading

Motion by **Powell** seconded by **Race** to approve Ordinance 240 An Ordinance To: Amend Chapter 32, Article VIII-Section 32-696 Uses-C Through E, Subpart (B) Churches Of The Code Of Ordinances For The City Of Cedar Springs. And to Modify Subpart 5 "There Shall Be A Continuous Five-Foot Wide, ADA-Compliant Sidewalk That Connects An Off-Site Vehicle Parking Area To The Place Of Worship.

Roll Call Vote **5-0** **Motion Carried.**

- C. Motion to approve the Patriot’s Motor Show and Festival Community Event for July 2nd, 2022 subject to final approval of the City Manager.
 - i. Event Outline and Details
 - ii. Event Map

Jordan White reported that he is working on finalizing the event details.

Motion by **Race** seconded by **Nixon** to approve the Patriot’s Motor Show and Festival Community Event for July 2nd, 2022 subject to final approval of the City Manager.

Roll Call Vote **5-0** **Motion Carried.**

- D. Motion to appoint Councilperson Lisa Atchison to serve on the Cedar Springs Planning Commission

Motion by **Powell** seconded by **Nixon** to appoint Councilperson Lisa Atchison to serve on the Cedar Springs Planning Commission.

Roll Call Vote **5-0** **Motion Carried.**

E. Motion To Approve Of The Letter Of Support For Downtown Pocket Park.

Womack reported that he would like the council to consider the grant letter for the downtown pocket park. He reported that he will be working to reduce the current cost estimate. He needs to submit the grant by May 23rd. **Powell** thinks that the park is a great idea, but would like to give it a name other than a pocket park.

Motion by **Gross** seconded by **Nixon** To Approve Of The Letter Of Support For Downtown Pocket Park as written and as authorize the Mayor to sign.

Roll Call Vote **5-0** **Motion Carried.**

8. DISCUSSION ITEMS:

- A. City Impact proposed purchase or donation of North Park land for a parking lot
Womack reported that the property utilized an EPA grant and “conversion” would be a possible problem for current and future grant eligibility. He suggested possibly repainting the existing parking that could be used by City Impact. **Gross** expressed some concern with the bridge at that location because it does not

have any rails. **Conley** would like to add a botanical garden for Michigan native trees and plants to the area.

- B. Discussion regarding the Downtown Development Authority's proposed Downtown Pocket Park at 17 N. Main St.
 - i. Engineer's estimate of probable costs

Powell thought the project was a fantastic idea, but very expensive. **Conley** questioned who would be responsible for maintaining the proposed bathrooms?

9. COMMUNICATIONS:

- A. Community Event Calendar
- B. 2022 Calendar
- C. Cedar Springs Cannabis Company State License Notification Complete Application
- D. Lake Life Farms (Retail) State License Notification Complete Application
- E. Van Cannabis State License Notification Determination
- F. Worship Service at the Amphitheater Community Event July 24th, 31st, August 7th, 14th from 5pm to 8pm.
- G. DDA Mural Modification at 71 N. Main St.

10. DEPARTMENT REPORTS:

- A. City Manager reported that he understands the landlord's frustrations, but he does not appreciate half-truths. The City recently held Deputy Finance Director/Clerk interviews and is looking to offer the position soon. The summer will be busy with concerts, movies, and summer events.
- B. Department of Public Works.
 - i. Infrastructure Alternative's operational and maintenance report.
- C. Police Department reported that he has been working on the final preparations for the Cedar Blitz race.
- D. Fire Department reported that Feeding America will be hosting a food truck at the Fire station on Monday, May 16 at 4:30pm.
- E. City Clerk reported that the May election went well and that all of the departments have been extremely busy.
- F. Finance Director/Treasurer.
 - i. Cash Summary Report.

- ii. Revenue/Expenditure Report.
- iii. Balance Sheet

G. Code Enforcement.

H. Building Inspection.

- I. Board and Commission Minutes:
 - i. March 7, 2022 NKCE Minutes
 - ii.

11. COUNCIL COMMENTS.

Powell is hoping that we can solve the multifamily problem soon.

Gross wanted to clarify that he is a representative of all residents and all tax payers. He is looking to equally represent all residents and landlords. He thanked all of the department heads for everything that they do. He is hoping that the multifamily home issue can be resolved prior to litigation.

Race thanked all of the departments for everything they do. She is looking forward to all of the development that is happening.

Nixon reported that she spent 26 hours in interviews and \$15,000 to MML to find the current City Manager. The City Manager now has the difficulty of enforcing the laws as they exist. She reported that it was unfortunate that litigation was started because it will slow the process even further. She understands that there are unintended consequences sometimes, but wants to avoid this in the future. She stated that Mr. Womack has her full support.

Conley clarified that when she says that she does not represent people that do not live here- she doesn't. Its not about if they vote for her, but if she is in a position where she is supposed to be their voice. If the person lives here, she is their voice. The ordinances and inspections are there for a reason and she wants to make sure that citizens are safe.

12. ADJOURNMENT.

Conley adjourned the meeting at 8:56pm.

Rebecca Johnson, City Clerk

Pamela Conley, Mayor