



CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
OCT. 10, 2017, 7:30 P.M.

PRESENT: Mayor Ron LaPorte, Councilors: Steve Hegedus, Karen Thomson, Rob Splane, Joe Frontiera, Jason La Fever and Jack Wittman.

ABSENT: None

OTHERS PRESENT: City Manager – Stan Rickard, City Attorney – Julie Springstead, Police Chief – Juan Salazar, BioPure Superintendent – Paul Cutter, Future Hydro Superintendent – Mike Schiller, Current Hydro Superintendent – Bob Dodds and Deputy Clerk - Cheri Eisenlohr. See attached attendance list for others present.

Mayor LaPorte called the meeting to order at 7:30 p.m., following roll call, he then opened with the Pledge of Allegiance.

A motion was made by Mr. Wittman to approve the 1st amended agenda and supported by Mr. Splane. The minutes from September 26, 2017, regular meeting were approved as printed, motioned by Mr. Wittman and supported by Mr. La Fever. All ayes, both motions were carried.

PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:

The following individuals spoke:

- Bill Hegg:
 - Downtown needs to thrive without undue restrictions on business owners.
- Gail Zieger:
 - Not happy with Main Street Board interview process with the Mayor.
 - Was not allowed to comment on his remarks.
 - Felt intimidated by the interview and the Mayor.
- George Sadler:
 - Felt the same as Gail Zieger about the interview with the Mayor.
- Al Martin:
 - Need a Main Street Board that is supportive, or need to get a new board.

DEPARTMENT REPORTS:

- BioPure Superintendent, Paul Cutter: None
- Police Chief, Juan Salazar: TEAM Golf Outing raised \$3,251.69. This is the only TEAM fundraiser event.
- DPW Superintendent, Brad Whitney: Absent
- Hydro Superintendent, Bob Dodds: Condos, Tyler Road, Pole in on Polk Road, Sub-Station is coming along fine.
- Main Street Manager, Julie Kreilick: Absent

REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES:

None

BILLS, CLAIMS, PAYROLL:

Mr. Rickard discussed the following invoices in detail:

\$48,505.02 – City of Hart Utility Bills

\$237,808.54 - MPPA

\$62,487.00 – Mc Cormick Sand

\$236.30 – Carmelitta Tiffany

\$26,220.64 – Betten Baker Ford

Bills totaled: \$444,241.92

A motion was made by Mr. Splane and supported by Ms. Thomson to approve the payables and payroll in the amount stated.

Ayes: 7 Nay: 0 Absent: 0

Discussion: None

ACTION ITEMS:

City Manager, Stan Rickard presented the following:

CITY OF HART
ORDINANCE NO. 2017-02

ZONING ORDINANCE AMENDMENT

TO ALLOW ILLUMINATED AND ELECTRONIC CHANGEABLE MESSAGE SIGNS

Approved on First Reading	July 11, 2017
Sent back to Planning Commission	July 25, 2017
Recommendation from Planning Commission	August 3, 2017
Second Reading & Adoption:	September 26, 2017 (Tabled)
Publication:	October 5, 2017
Effective Date:	Ten days after publication (October 15, 2017)

THE CITY OF HART ORDAINS:

A zoning amendment to Chapter 1259-Signs, repealing Section 1259.05 (j), adding new section 1259.12 allowing illuminated and electronic changeable message signs:

Repeal Section 1259.05 (j)

1259.12 ILLUMINATION.

- (a) External Illumination. Externally lighted signs are allowed in all commercial and industrial districts and for non-residential uses in residential districts, subject to the following requirements:
 - (1) Sign lighting shall be of low intensity with effective provisions made to minimize spillover of light beyond the actual sign face.
 - (2) The light source shall be enclosed and directed to prevent light from shining directly onto traffic or neighboring property.
- (b) Internal Illumination. Internally lighted signs are allowed in all business, commercial and industrial districts. Sign faces shall be opaque so individual lamps are muted and cannot be distinguished behind the sign face.
- (c) Electronic Changeable Messages. One (1) ECM display may be located on a free standing sign meeting the requirements of this Chapter, subject to the following restrictions:
 - (1) Location. ECM displays may only be established in the following locations:
 - a. Parcels in the CCO Commercial Corridor Overlay District.
 - b. Parcels in the B-1 District.
 - c. Parcels in the B-2 District.
 - (2) No more than 50 percent of the area of the sign may be dedicated to an ECM display. The remainder of the sign shall consist of permanent graphics and script.
 - (3) The entire face of the electronic display shall display no more than one (1) message at a time.

- (4) Each message shall be static and shall not move, flash or otherwise be animated. Each message shall be displayed for a period no less than seven (7) seconds. Message change intervals in the B-1 District shall be no less than 12 hours.
 - (5) Transitions from one message to the next shall be instantaneous and shall not scroll, fade or otherwise be animated.
 - (6) An electronic display sign shall be equipped with automatic dimming technology to adjust the brightness of the sign relative to ambient light conditions.
 - (7) No ECM display shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area. The measurement distance shall be the square root of the sign area times one hundred. Example using a 12 square-foot sign: measurement distance = $(12 \times 100) = 34.6$ feet. ECM displays shall be reduced in brightness after business hours.
 - (8) Notwithstanding the provisions of Section 1259.10(c), a nonconforming freestanding sign may not be altered to include an ECM display sign unless it is first made conforming to all requirements of this chapter.
 - (9) Back-to-back ECM displays on double-sided free standing signs are permitted as long as both sides comply with the requirements of this section and that sign faces have identical electronic images at all times.
- (d) Neon Illumination. Neon illumination is permitted as a secondary element to wall or projecting signs, subject to the following:
- (1) Zoning District. Neon-illuminated signs are restricted to the CCO District.
 - (2) General Requirements.
 - a. Neon illumination shall be restricted to wall or projecting sign types attached to exterior building walls.
 - b. A building is limited to one (1) neon-illuminated sign.
 - c. Neon-illuminated signs shall be compatible and harmonious with the primary color(s), style, and architecture of the building. No more than three (3) colors shall be used on any one (1) sign.
 - d. Neon illumination shall be used in limited volume to ensure that it does not become visually obtrusive and dominate the street frontage. Luminous neon text, symbols or figures shall comprise of no more than 50 percent of the sign face area, measured in the same manner as sign area. Neon lighting extending beyond the sign face is also considered in the measurement of sign area. Background accent lighting does not count against the maximum percent of neon.
 - e. A neon-illuminated sign shall not obscure portions of a building that contribute to architectural character, including but not limited to, doors, windows and other elements that add to articulation of the façade.

- f. Neon illumination shall be static and stationary in nature. There shall be no movement, appearance of movement, intermittent illumination, blinking at any interval, or changing of color.
- (e) Illuminated window signs. Illuminated window signs are exempt from permitting but shall meet the following requirements:
 - (1) One (1) ECM or electronically illuminated window sign is permitted within commercial buildings per street frontage, per building. Multi-tenant buildings are permitted to have one (1) ECM or electronically illuminated window sign per tenant.
 - (2) Each ECM or electronically illuminated window sign is limited to four (4) square feet in size and count against the total square footage for window signs.
 - (3) ECM or electronically illuminated window signs intended to be viewed from the outside that are more than four (4) inches away from the window shall also count against the total square footage for window signs.
 - (4) Each message shall be static and shall not move, flash or otherwise be animated.
 - (5) Each message shall be displayed for a period no less than seven (7) seconds. Transitions from one message to the next shall be instantaneous and shall not scroll, fade or otherwise be animated.
 - (6) Should any portion of the neon-illuminated display malfunction, all neon illumination shall be discontinued until fully repaired.

STATE OF MICHIGAN)
) SS.
 COUNTY OF OCEANA)

I, the undersigned, the duly qualified and acting City Clerk of the City of Hart, Oceana County, Michigan, do hereby certify that the foregoing Ordinance amendments and additions were adopted by City of Hart at a regular City Council meeting properly held on the 26th day of September 2017; and that the meeting was held in compliance with notice provisions and all other requirements of Act 267 of the Public Acts of 1976, as amended. I hereby certify that I published the Ordinance amendments and additions in the Oceana Herald-Journal on the 5th day of October 2017.

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.

 Cheryl Rabe, City Clerk

Mr. Wittman made a motion to take this ordinance off the table, supported by Ms. Thompson, all ayes, motion carried.

Discussion: Public Comment
 Mayor La Porte, Councilor Jason La Fever, Staci Hegg, Bill Hegg, Clancy Aerts, Gail Zieger, Eva Kostal, George Sadler, Councilor Rob Splane, Hydro Superintendent Bob Dodds, Dave Lorenz and Al Martin all had pro/con comments to make regarding this sign ordinance.

No Motion was made – dead issue, the current ordinance is still in effect.
 Ayes: 0 Nays: 0 Absent: 0

CITY OF HART
ORDINANCE NO. 2017-03

**ZONING ORDINANCE AMENDMENT
B-1, Central Business District**

First Reading September 26, 2017
Second Reading & Adoption: October 10, 2017
Publication: October 19, 2017
Effective Date: Ten days after publication (October 29, 2017)

THE CITY OF HART ORDAINS THAT CHAPTER 1249, B-1, CENTRAL BUSINESS DISTRICT SHALL READ AS FOLLOWS (new text highlighted):

**CHAPTER 1249
B-1, Central Business District**

1249.01 PURPOSE.

This district is intended to serve as the downtown shopping district for the City of Hart. A wide range of retail service, office, governmental, institutional and limited residential uses are permitted. Development standards recognize the special parking, pedestrian and building location needs of an established downtown business district.

1249.02 PERMITTED USES.

Land and structures in the B-1 Central Business District may be used for the following purposes only.

- a) Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building, such as, but not limited to: foods, drugs, liquor, furniture, clothing, dry goods, appliances or hardware.
- b) Any personal service establishment which performs services on the premises within a completely enclosed building, such as, but not limited to: repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors, barber shops, interior decorators, and photographers.
- c) Restaurant, tavern or catering establishment.
- d) Theater, bowling alley, pool or billiard parlor or similar commercial recreation establishment.
- e) Medical clinics, general office buildings, and facilities for substance abuse treatment.
- f) Bank or other financial institution.
- g) Government building and post office.
- h) Business schools or private schools operated for profit. Examples of private schools permitted herein include, but are not limited to, the following: dance studios, music and voice schools and art schools.
- i) Offices and showrooms of plumbers, electricians, decorators, or other similar trades.
- j) Bakery or confectionery shop.
- k) Laundry, laundromat, dry cleaning or dyeing establishment.
- l) Fraternal or social club or lodge.
- m) Video rental and sales.
- n) Hotel and motel
- o) Public and institutional uses.

- p) In the B-1 Zoning District, dwelling units may be permitted within a building where the principal use is commercial subject to the following conditions:
1. The dwelling unit shall not be located below the second floor of the building.
 2. Each dwelling unit shall contain a minimum of 600 square feet of floor area.
 3. A building permit shall be obtained to establish a dwelling unit in order to ensure compliance with the requirements of this section and with the Hart Building Code, Fire Code and Oceana County District Health Department. The entire building containing the dwelling unit shall also be brought into compliance with the Hart Building Code and Fire Code before an occupancy permit is issued.
- q) Private communication antenna not exceeding twenty-five feet in height as regulated by Section 1243.18.
- r) Essential public service equipment.
- s) Accessory uses, buildings and structures customarily incidental to the above uses including necessary incidental manufacturing when clearly accessory for a permitted use.
- t) Other uses which are determined by the Zoning Administrator to be similar to the above uses and which meet the intent of this district.
- u) Churches, synagogues, or other similar places of worship and customary related uses.
- v) Outdoor seating, provided:
1. The area devoted to outdoor seating must be ancillary to the main use of an indoor restaurant, bakery, coffee shop, delicatessen, specialty food store, or similar establishment.
 2. Pedestrian circulation and access to the building entrance shall not be impaired. A minimum of three feet of sidewalk along the curb and leading to the entrance to the establishment must be maintained free of tables, chairs, and other encumbrances.
 3. The seating area shall be limited to the area directly in front of the permitted use to which the seating area is accessory and shall not extend into adjoining sites.
 4. Tables, chairs, umbrellas, canopies, planters, waste receptacles, and other elements of street furniture shall be compatible with the architectural character of the principal building.
 5. Outdoor amplification shall be prohibited unless only to play music in compliance with Section 660.01(b) (10).
 6. The area devoted to outdoor service shall not encroach upon or extend over any public alley or right-of-way.
 7. A site plan shall be submitted which clearly depicts the seating area and location and style of tables and chairs, reflecting ample aisles for pedestrian traffic.
 8. The outdoor seating area shall not obstruct visibility of on-coming pedestrians or vehicular traffic.
 9. The sale of alcoholic beverages is subject to the rules and regulations of the State of Michigan Liquor Control Commission.
 10. All outdoor furnishings shall be completely removed from sidewalk areas December 1 through March 1 of each year.
 11. The area devoted to such outdoor dining area shall be maintained in a safe, clean, and sanitary manner.
 12. Roof seating shall comply with the building code.

1249.03 SPECIAL USES.

The following uses may be permitted as a special land use subject to the applicable general and specific requirements and standards of Chapter 1256.

- a) Housing for the elderly, retired or those requiring assisted care including nursing homes subject to the regulations of Section 1256.12.
- b) Establishments with a drive up or drive-through windows.
- c) Antenna and towers exceeding a height of twenty-five feet as regulated by Section 1243.18.
- d) Essential public service buildings and structures.
- e) Vehicle service and gas stations.

1249.04 DISTRICT REGULATIONS.

Buildings and structures shall not be erected or enlarged unless the following requirements are met and maintained.

- a) Minimum lot area and width - None required.
- b) Required build-to area.
 1. A build-to area is a designated portion of a lot that is between 0 and four (4) feet behind the right-of-way. The front building elevation shall be placed within this area on interior and corner lots.
 2. The minimum façade width within the build-to area is 75% of the primary street lot frontage. On corner lots, the minimum façade width within the build-to area is 25% of the secondary street lot frontage. In all cases, State Street shall be the primary street frontage. For lots that do not front State Street, the Zoning Administrator shall determine the primary street frontage.
 3. On corner lots, the building façade shall be built to the build-to zone within 30 feet of a block corner at minimum on primary and secondary street frontages.
- c) Side yard and rear yard setbacks- None required except where a property abuts a residentially zoned lot then a minimum of ten feet shall be required.
- d) Maximum lot coverage - No requirement.
- e) Maximum building height - 35 feet.
- f) Dumpsters shall not be located within the front yard and shall be screened as required by Section 1258.07(I).

1249.05 ADDITIONAL REGULATIONS.

- a) The off-street parking regulations of Chapter 1260 shall not apply to uses in the B-1 Zone. If parking is provided, it shall be setback at least 30 feet behind the front build-to area.
- b) Signs shall be regulated by Chapter 1259.
- c) Site plan review as regulated by Chapter 1258 is required for all special land uses.
- d) Site condominiums shall be regulated by Chapter 1257.
- e) Landscaping shall be as regulated by Section 1243.22.
- f) Buildings. These requirements apply to all new buildings in the B-1 Zoning District and are recommended for building renovations.
 1. Fenestration is regulated as a percentage of the façade between floor levels and is measured as the square footage of glass area, doors, and open area.
 - i. Min. /Max. Ground Floor Façade Fenestration- 33 to 80%.

- ii. Min. /Max. Upper Story Fenestration- 20 to 70%.
- 2. At least one (1) functioning entry door shall be provided along each ground story façade. The maximum distance between functioning façade entrances on the same building on the same frontage shall be 50 feet.
- 3. All facades over 50 feet shall have horizontal and vertical architectural articulation that provides a visual break to the expanse of masonry.
- 4. Street-facing building elevations shall be constructed with 80% brick exterior building materials. The bottom four (4) feet of all building elevations shall be 100% brick.
- 5. Loading docks, overhead doors, and other service entries shall be located to the rear.
- 6. Buildings shall have flat roofs and parapets. Rooftop mechanical equipment shall be setback at least 10 feet from the edge of street-fronting facades.

STATE OF MICHIGAN)

) SS.

COUNTY OF OCEANA)

I, the undersigned, the duly qualified and acting City Clerk of the City of Hart, Oceana County, Michigan, do hereby certify that the foregoing Ordinance amendments and additions were adopted by City of Hart at a regular City Council meeting properly held on the 10th day of October, 2017; and that the meeting was held in compliance with notice provisions and all other requirements of Act 267 of the Public Acts of 1976, as amended. I hereby certify that I published the Ordinance amendments and additions in the Oceana Herald Journal on the 19th day of October, 2017.

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.

Cheryl Rabe, City Clerk

Moved by Mr. La Fever, supported by Mr. Frontiera, and thereafter adopted by the Hart City Council at a regularly scheduled council meeting held on Tuesday, October 10, 2017.

7 ayes, 0 nays, 0 absent

RESOLUTION 17-73
City Council
City of Hart, Michigan
Oceana County

CITY HALL WINDOW REPLACEMENT

WHEREAS, the City of Hart owns, operates and maintains Hart City Hall, 407 State Street, Hart, Michigan;
and

WHEREAS, the five (5) City Hall north windows in the administrative office area should be replaced to improve energy efficiency, correct inoperable windows and install screens; and

WHEREAS, two commercial window companies submitted proposals to perform the work, City Glass & Mirror (Grand Haven), \$15,890; and Ludington Paint and Glass (Ludington), \$21,450; and

WHEREAS, in order to secure the benefits of efficient self-government and to promote and protect our common interests and welfare, the City Council hereby declares:

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Accepts the bid from and awards a contract to City Glass and Mirror in the amount of \$15,890.00 to replace five (5) office window in City Hall.

Authorizes the City Manager to sign all project documents and implement the window replacement project on behalf of the City of Hart.

Moved by Mr. Splane, supported by Ms. Thomson, and thereafter adopted by the Hart City Council at a regularly scheduled council meeting held on Tuesday, October 10, 2017.

Ayes 7 Nays 0 Absent 0

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.

Cheryl Rabe, City Clerk

Discussion:
None

RESOLUTION 17-74
City Council
City of Hart, Michigan
Oceana County

VETERAN’S MEMORIAL PARK
FINAL CONCEPTUAL PLAN

WHEREAS, the City of Hart owns, operates and maintains public parks including Veteran’s Memorial Park on Hart Lake; and

WHEREAS, in 2016 the City acquired property adjacent to the Park for a potential expansion and improvement project; and

WHEREAS, the City and MDNR recently approved a 5-year Recreation Plan (2016-2020) that included a preliminary conceptual plan for the Park; and

WHEREAS, Michigan Natural Resources Trust Fund (MNRTF) offers park development grants up to \$300,000 on a competitive basis with applications due April 1, 2017; and

WHEREAS, in order to secure the benefits of efficient self-government and to promote and protect our common interests and welfare, the City Council hereby declares:

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Authorizes City Engineer Prein&Newhof to prepare a preliminary plan, permitting requirements and cost estimate for Veteran’s Memorial Park improvements and expansion; and deliver to City by December 7, 2017, for Council review and consideration.

Authorizes and directs the City Manager to implement the aforementioned preliminary engineering project on behalf of the City of Hart.

Moved by Mr. La Fever, supported by Ms. Thomson, and thereafter adopted by the Hart City Council at a regularly scheduled council meeting held on Tuesday, October 10, 2017.

Ayes 7 Nays 0 Absent 0

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.

Cheryl Rabe, City Clerk

Discussion:
None

RESOLUTION 17-75
City Council
City of Hart, Michigan
Oceana County

MASTER PLAN
42-DAY REVIEW

WHEREAS, the City of Hart is updating its 2013 Master Plan as periodically required by the Michigan Planning Enabling Act, PA 33 of 2008; and

WHEREAS, the Planning Commission is coordinating the updating process with assistance from Williams & Works (Grand Rapids); and

WHEREAS, the Commission has prepared a draft Master Plan that is ready to distribute to other area agencies for a required 42-day review; and

WHEREAS, in order to secure the benefits of efficient self-government and to promote and protect our common interests and welfare, the City Council hereby declares:

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Authorizes and directs the City Manager to forward the draft Master Plan to other area agencies for the required 42-day review on behalf of the City of Hart.

Moved by Mr. Splane, supported by Mr. Frontiera, and thereafter adopted by the Hart City Council at a

regularly scheduled council meeting held on Tuesday, October 10, 2017.

Ayes 7 Nays 0 Absent 0

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.

Cheryl Rabe, City Clerk

Discussion:
None

SPECIAL EVENTS PERMIT:

None

DISCUSSION ITEMS:

None

CITY MANAGER REPORT:

Mr. Rickard reported on:

- ✓ Woodland Place Tour – later in November.
- ✓ Auditor Visit – Audit is complete for the 2016-2017 year; everything went well, the report should be received in approximately three weeks.
- ✓ 3-Month Budget Report – Utility sales are down due to a cooler summer and smaller cherry harvest. Cash position is excellent; funding is strong.

CITY ATTORNEY REPORT:

Closed session entered into at 8:47 pm by a motion made by Mr. Splane and supported by Mr. Frontiera. All ayes – motion carried. Open session returned at 9:18 pm.

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

Mayor La Porte confirmed that he did conduct interviews with the Main Street Board and that two members resigned: Karen Drenth and Staci Hegg, he also stated that using his executive position, Gail Zieger, George Sadler, and Irene Knoth are being removed from the Main Street Board. They are welcome to reapply if they choose, but would need to be interviewed again.

Mr. La Fever made a motion to suspend zoning ordinance enforcement of all current ECM’s in the City, Mr. Frontiera supported. Motion carried.

Ayes: 5 Nays: 2 Absent: 0

Discussion: Mr. Splane wants to know the end date of this motion, Mr. La Fever said until the Council rescinds the suspension, which could be done at any time.

ADJOURNMENT:

There being no further business to come before the Council, the meeting adjourned at 9:21 p.m., upon motion by Mr. Frontiera and supported by Mr. Splane. The next meeting is Oct. 24, 2017, at 7:30 p.m.