



**CITY OF HART  
407 S. STATE ST.  
HART, MI 49420  
COUNCIL PROCEEDINGS  
NOVEMBER 26, 2019, 7:30 P.M.  
MINUTES**

**PRESENT:** Mayor Ron LaPorte, Councilors: Patrice Martin, Joe Frontiera, Vicki Platt, and Steve Hegedus.

**ABSENT:** Jason La Fever and Rob Splane

**OTHERS PRESENT:** Energy Department Superintendent – Mike Schiller, BioPure Superintendent – Paul Cutter, Police Chief – Juan Salazar, DPW Superintendent – Brad Whitney, Deputy City Clerk - Cheri Eisenlohr, and City Manager – Lynne Ladner. See attached list for others in attendance.

Mayor LaPorte dedicated this meeting in the memory of Mark Lee, City Engineer with Prein & Newhof, who passed away six years ago yesterday.

Mayor LaPorte called the meeting to order at 7:30 p.m., following the roll call, the Mayor lead the Council in the pledge of allegiance.

- Ms. Ladner explained the options available in regards to adding item 10e to the agenda; all members agreed to add the item to the current agenda.

A motion was made by Mr. Hegedus to approve the agenda with the addition of Action Item 10e, Resolution 19-78, supported by Mr. Frontiera. The minutes from November 12, 2019, regular meeting, was motioned by Ms. Martin to accept with corrections and supported by Mr. Hegedus. All ayes of those present, both motions were carried.

**PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:**

- Mr. Sadler asked if there was a written document that explained the procedure for asking questions during City meetings. Ms. Ladner did explain that a person could ask the presenter of an item questions, but questions regarding action items must be asked prior to the Council's discussion on that item. Ms. Ladner will be working on a public document stating the conduct of comments and such during public meetings.

**DEPARTMENT REPORTS:**

- BioPure Superintendent, Paul Cutter:
  - BioSolids have been hauled at a cost of \$414,000.00. Not all was removed as the road conditions to the facility had deteriorated due to the weather.
  - The docks for the new blowers are in and the underground conduit has been run. The blowers are expected to ship 12/15/19 with a projected installation date in February. The old blowers will remain in place until the new ones are in the States.
  - Work on getting the road paved out to the facility.
  - 3000 water samples were run this year.
- Police Chief, Juan Salazar:
  - In late October, the department conducted it's fall qualifications at the Oceana County M20 range in Shelby. All members of the department attended this mandatory training. Officers qualified with their service weapons and secondary

weapons during light and low light conditions. All officers qualified with each of their weapons without incident.

- Officers Anderson, Malotke, and Mantyck attended an Interview and Interrogation training at the Ottawa County Sheriff's office via the West Michigan Training Consortium in October 2019. The training is an intermediate level interview and interrogation class designed for new and seasoned officers who have a desire to improve their basic interview and interrogation techniques. I will attempt to send more officers when this training is made available in the future.
- DPW Superintendent, Brad Whitney:
  - Lincoln Street has had one course of pavement.
  - Sidewalks are almost complete.
  - Of 186 hydrants, 11 were winterized, the rest do not require it.
  - Plowing and leaf removal is taking place.
  - The leaf vac keeps breaking down as leaves are frozen from the snow.
  - Employees are getting overtime due to weather and time restrictions.
  - Quotes will be sought in regard to the purchase of a new leaf vac machine.
  - Mr. Whitney will be in contact with Adams in regards to the requirements of the demolition of the old water building.
    - Mr. Sadler asked who inspects storm sewers and was told that the City does if it a City project, otherwise the Engineers hired for projects will provide their own inspectors.
- Energy Department Superintendent, Mike Schiller:
  - 1290 meters have been installed.
  - Christmas lights downtown have been installed.
  - Work is progressing on the Griswald Cottage project.
  - A light pole was installed at Adams's new location on Oceana Drive.
- Interim Mainstreet Manager, Christine: Absent

**REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEE:**

- None

**BILLS, CLAIMS, PAYROLL:**

Bills totaled: \$609,847.47 Payroll totaled: \$58,033.47 Grand Total: \$673,967.33

A motion was made by Mr. Hegedus and supported by Mr. Frontiera to approve bills, claims, and payroll in the amount stated.

Ayes: 5 Nay: 0 Absent: 2

**ACTION ITEMS:**

**CITY MANAGER, LYNNE LADNER PRESENTED THE FOLLOWING:**

Memo

To: Mayor and City Council

From: Lynne Ladner

Date: 11/22/19

Re: Resolution 19-75 Adopt Amendment No. 1 to City of Hart Tax Increment Development Plan and Tax Increment Financing Plan

The TIFA board has reviewed the current Development Plan and Financing Plan and determined that the projects outlined in the plans have been completed, and with the TIFA having been renewed in 2012 for a fifteen (15) year period to expire in 2027 it is in the best interest of the

City and the District to amend the plan providing for additional projects and their estimated costs within the district.

Notice of the intent to amend the plans was sent to the property owners in the TIFA district, published in the newspaper twice the first time being a minimum of 20 days prior to the public hearing, and the City Council has conducted the public hearing at this Council meeting. A copy of the amended plans has been available for review at City Hall and at request.

The amended plan does not add or remove any properties from the TIFA district. The amended plan does not add any new taxes to properties in the TIFA district. The amended plan in plain English recognizes that the projects that were laid out for the TIFA to work on and complete have been completed by the Authority, there are additional projects and opportunities that the TIFA can accomplish in the district to enhance and assist businesses and property owners going forward but this requires an amendment to the adopted plan. When new projects or opportunities are proposed to be included in the plan, it is necessary to develop a rough ballpark estimate of the potential costs of the projects to provide an understanding of how the Authority plans to use the property taxes collected for the benefit of the district.

The public hearing on this issue was held on November 12<sup>th</sup> as published and noticed to the district property owners, and questions related to the amendment were asked and answered at that time. It is my recommendation that the Council adopts Resolution 19-75, adopting Amendment No. 1 to the City of Hart Tax Increment Development Plan and Tax Increment Financing Plan.

Lynne

**RESOLUTION 19-75**  
**Hart City Council**  
***City of Hart, Michigan***

**ADOPT AMENDMENT NO. 1 TO CITY OF HART TAX INCREMENT DEVELOPMENT PLAN  
AND TAX INCREMENT FINANCING PLAN**

WHEREAS, the City of Hart and the Tax Increment Financing Authority Board have reviewed and drafted the Development Plan and Financing Plan; and

WHEREAS, the City has notified all the property owners in the district and held a public hearing for the intent of hearing comments from members of the district and other interested parties ; and

WHEREAS, all input has been considered for the finalization of the Development Plan and Financing Plan;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

*Adopt Amendment No. 1 to City of Hart Tax Increment Development Plan and Tax Increment Financing Plan.*

Moved by Ms. Martin, supported by Mr. Frontiera, and thereafter adopted by the Hart City Council at a regular council meeting held on November 26, 2019.

Ayes: 5      Nays: 0      Absent: 2

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.



Cheri Eisenlohr, Deputy City Clerk

Memo

To: Mayor and City Council

From: Lynne Ladner

Date: 11/22/19

Re:

Resolution 19-76 Budget Amendment – Pocket Park expenditures

As we were going through paperwork this week preparing to journalize some of our engineering invoices, Cheri came to me and asked what account to attribute the Pocket Park expenses. Off the top of my head knowing where I had accounted for the expenditures, I said TIFA, realized my mistake. The City will be receiving a substantial amount of grant funding for this project. Funding and Invoices that far exceed the normal cash flows of the TIFA account. Because of this, it is necessary to transfer the budgeted and committed funding from the TIFA account to the General Fund. It is also necessary to increase the amount of reserve TIFA funds that the project will be using from 15,000 to 20,000 due to the increased cost of the project when it was bid as opposed to when the estimated budget was created. It is also necessary to add two revenue lines in the General Fund, one for the Grant proceeds revenue and one for the transfer from TIFA, To match these line items it is necessary to change the line item expenditure designation in TIFA from Capital Outlay to Transfer and budget for the increased amount of \$20,000 from \$15,000, then to designate expenditures in the General Fund under Culture and Recreation (our Parks and Recreation fund) for Professional Services in the amount of \$70,000 (design, engineering and grand administration) and Contractual Services in the amount of \$328,290 (construction expenses).

I apologize for this budgeting mistake.

I recommend that the Council Adopt Resolution 19-76 Budget Amendments

Lynne

<b>Resolution 19-76</b>						
<b>City of Hart - City Council - Hart, Michigan</b>						
<b>BUDGET AMENDMENT</b>						
WHEREAS, the City Council may amend the annual budget to reflect changes in purchasing patterns or revised objectives; and						
WHEREAS, City Council has authorized the bid and award phase for purchase of 227 E Main, utility improvement and road improvements in JGP; and						
WHEREAS, the City Council desires to secure the benefits of efficient self-government and to promote and protect our common interests and welfare;						
NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL amends the FY2020 Annual Budget as follows:						
<b>REVENUE</b>						
	<b>FUND</b>		<b>LINE ITEM</b>	<b>ADOPTED BUDGET</b>	<b>AMENDED BUDGET</b>	<b>JUSTIFICATION</b>
1	General Fund	Revenues	Grant Revenues	\$0	\$358,461	Pocket Park CDBG Grant
2	General Fund	Revenues	Transfer from TIFA	\$0	\$39,829	Pocket Park CDBG Grant
3	TIFA	Revenues	From Cash Reserves	\$15,000	\$20,000	Pocket Park Expenses
<b>EXPENDITURE</b>						
	<b>FUND</b>	<b>DEPARTMENT</b>	<b>LINE ITEM</b>	<b>ADOPTED BUDGET</b>	<b>AMENDED BUDGET</b>	<b>JUSTIFICATION</b>
1	General Fund	Culture & Recreation	Professional Svs	\$0	\$70,000	Pocket Park Expenses
2	General Fund	Culture & Recreation	Contractual Svs	\$0	\$328,290	Pocket Park Expenses
4	TIFA	Expenditures	Capital Outlay - Pocket Park	\$36,000	\$0	Pocket Park Expenses
5	TIFA	Expenditures	Transfer to GF - Pocket Park	\$36,000	\$40,000	Pocket Park Expenses
Moved by Ms. Martin and supported by Ms. Platt and thereafter approved by Hart City Council at a regular meeting on November 26, 2019.						
Ayes: 5 Nays: 0 Absent: 2						
<i>Cheri Greenblatt</i>						
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:						

To: Mayor and City Council  
 From: Lynne Ladner  
 Date: 11/22/19  
 Re: Resolution 19-77 Supporting TAP Grant and SRTS Grant Applications

For over a year, a group has been working with the goal of building a connector trail from Pentwater to through Hart to the William Field Memorial Hart Montague Trail. Money has been allocated to the project in the form of an appropriation from the State of Michigan as well as private donations and in the process the request and commitment of funds from local government entities that are touched by the trail project.

The majority of the project will be constructed in the townships and village of Pentwater. However, a section of the project is being proposed along Tyler/Main St to Peach St, on Peach to Johnson St at the schools, along Johnson St to Water St and making the last connection along Water St to the Trailhead of the Hart Montague Trail. This portion is being submitted as a Safe Routes to School Grant

The resolution that you are being asked to adopt is a resolution of support for the overall Pentwater Hart Trail project, support for the impending applications by the Oceana County Road Commission for Transportation Alternatives Program (TAP), and Safe Routes to School (SRTS) Grants. It is also pledging the City's financial commitment to provide \$22,500 as part of the total local match funds for the grant applications (funds that do not need to be budgeted for

expenditure until FY 2021 or FY2022 depending on grant approval) which will account for a portion of the City's required commitment of 10% of our Act 51 Revenue Sharing funds for non-motorized transportation projects.

It is my recommendation that the Council Adopt Resolution 19-77 Supporting TAP Grant and SRTS Grant Applications and the Pentwater Hart Trail project.

Lynne

**RESOLUTION 2019-77**

***Support of the Pentwater Hart Trail, TAP and SRTS Grant Applications  
City of Hart***

WHEREAS, the Pentwater Hart Trail Committee was formed in Sept 2015 following public meeting regarding the making of a trail between Pentwater and Hart. Overwhelming support was received.

WHEREAS, State Appropriation grant was received by Senator Hansen in June of 2018 in the amount of 1.4 million in support of the trail.

WHEREAS, A public hearing was conducted in September 2017 in the Hart Community Room and received overwhelming support.

WHEREAS, The Road Commission Board approved the use of the Road Right-A-Way For the Pentwater Hart Trail on September 26, 2018.

WHEREAS, the City of Hart is committed to enhancing the regional transportation system and works with other local agencies to provide additional pedestrian and bicycle facilities, AND

WHEREAS, the Oceana Road Commission submitted the application for TAP funding to construct the Pentwater Hart Trail that in generality will travel on a designated route, as depicted on the attached map, beginning at the terminus of the William Field Memorial Hart Montague Trail in Hart, MI and terminating on the north end on Pentwater, Mi. and

WHEREAS, the Safe Routes to School portion of the trail travels through the City of Hart creating walkable connectivity from 72<sup>nd</sup> Avenue along Tyler Rd/W Main Street to Peach Street south to the Hart Public Schools campus continuing east on Johnson Street to Water Street then continuing south terminating at the connection point to the Hart Montague Trail on Water Street;

WHEREAS, the City of Hart commits local funds from its Major Street – Non-Motorized Improvements funds as required by PA 51 of 1959 as amended in the amount of \$22,500;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

*Pledges their public and financial support for the Pentwater Hart Trail, the TAP Grant and Safe Routes To School Grant Applications and commits local funds from the Major Street – Non-Motorized Improvements funds in the amount of \$22,500 for the project, all support contingent upon the project not having a negative impact on the name and/or designation of the William Field Memorial Hart Montague Trail*

Moved by Ms. Martin, supported by Ms. Platt, and thereafter adopted by the Hart City Council at a regular council meeting held on November 26, 2019.

Ayes: 5      Nays: 0      Absent: 2

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.



Cheri Eisenlohr, Deputy City Clerk

Memo

To: Mayor and City Council  
From: Lynne Ladner  
Date: 11/22/19  
Re: Ordinance 19-05 Zoning Ordinance Text Amendment Chapter 1259 Signs – Second Reading

The first reading of the amendment to the Signs chapter of the zoning ordinance was completed on November 12 with no recommended changes.

It is my recommendation that the Council adopts Ordinance 19-05 Zoning Ordinance Text Amendment Chapter 1259 Signs.

Lynne

**CITY OF HART  
ORDINANCE NO. 19-05  
ZONING ORDINANCE TEXT AMENDMENT- CHAPTER 1259 SIGNS**

At a regular meeting of the Hart City Council held at City Hall on the 26th day of November, 2019, at 7:30 p.m.

PRESENT: Frontiera, Hegedus, LaPorte, Martin, Platt

ABSENT: La Fever and Splane

The following ordinance was offered by Ms. Platt and supported by Ms. Martin:

THE CITY OF HART, COUNTY OF OCEANA, STATE OF MICHIGAN ORDAINS:

**ZONING ORDINANCE TEXT AMENDMENT- CHAPTER 1259 SIGNS**

Section 1. Chapter 1259 Signs. Chapter 1259 is amended in its entirety, to read as follows:

**CHAPTER 1259  
Signs**

- 1259.01 Purpose.
- 1259.02 Definitions.
- 1259.03 Signs permitted in all districts.
- 1259.04 Residential districts.
- 1259.05 Commercial districts.
- 1259.06 Industrial districts.
- 1259.07 Design, construction and location standards.
- 1259.08 Portable or movable signs.
- 1259.09 Measurement of signs.
- 1259.10 Nonconforming signs and signs accessory to nonconforming signs.

## 1259.11 Sign permits.

**1259.01 PURPOSE.**

The purpose of this chapter is to provide a framework within which the identification and informational needs of business and industry can be harmonized with the desires and aesthetic standards of the general public. It is intended through the provisions contained in this chapter to give recognition to the legitimate needs of business, industry, and other activities in attaining their identification and informational objectives. Unrestricted signage does not benefit either the private sector or the community at large.

**1259.02 DEFINITIONS.**

The following words shall have the meanings as set forth below.

- (a) "Banner" means a piece of cloth, plastic, or similar material, generally of a long rectangular shape affixed at both ends.
- (b) "Community special event sign" means a portable sign which is erected for a limited time that is sponsored by a governmental agency, school or other group which is non-profit and whose purpose is charitable, philanthropic, religious or benevolent.
- (c) "Flag" means a piece of cloth or bunting of a square or short rectangular shape affixed at one end.
- (d) "Free standing sign" means a sign which is not attached to any other structure.
- (e) "Ground sign" means a type of freestanding sign in which the entire bottom is in contact with the ground or is very close to the ground, such as on a constructed foundation or a brick or block base.
- (f) "Governmental flag" means a flag bearing the name, logo, or other official design of a nation, state, municipality, nonprofit institution, or nonprofit organization.
- (g) "Illuminated sign" means a sign that provides artificial light directly or indirectly from a source of light.
- (h) "Institutional bulletin board" means a bulletin board established by a non-profit agency, church, public agency, city, township, county, state, or federal government.
- (i) "Marquee sign" means a sign attached to a marquee, canopy, or awning projecting from and supported by a building, above sidewalk level.
- (j) "Monument sign." See "ground sign."
- (k) "Pole sign" is a type of free standing sign mounted on or more poles, posts or pylons, other than a constructed foundation or base, so that the bottom edge of the sign face is elevated above the average grade.
- (l) "Portable sign" means a free standing structure not permanently anchored or secured to either a building or the ground, capable of being moved from place to place.
- (m) "Projecting sign" means a double-faced sign attached to a building or wall that extends in a perpendicular manner more than 12 inches, but not more than 48 inches from the face of the wall or building.
- (n) "Sandwich board sign" means a temporary sign structure placed on the ground that consists of two (2) back-to-back sign faces that are hinged together at the top and separated at the base a sufficient distance to solidly support the structure in an upright position.
- (o) "Temporary yard sign" means a sign that is not permanently affixed to the ground and is of a design and construction that is not intended to be of a permanent nature.
- (p) "Wall sign" means a sign attached directly to or painted upon a building parallel to the building wall.
- (q) "Window sign" means copy or emblems that are painted or otherwise attached to the window surface.
- (r) "Electronic display sign" means a sign or portion of a sign with a fixed or changing display composed of a series of lights that may be changed in color or intensity through electronic means.

**1259.03 SIGNS PERMITTED IN ALL DISTRICTS.**

The following signs shall be permitted in all districts without requiring a building or sign permit, subject to the requirements stated below.

- (a) Wall signs on homes and buildings not exceeding four square feet in surface display area.
- (b) Governmental flags.
- (c) Traffic or other municipal signs and notices. Private traffic control signs which conform to the Michigan Manual of Uniform Traffic Control Devices.
- (d) Institutional bulletin boards not exceeding thirty-two square feet in surface display area.
- (e) Park, playground, and other governmental signs.
- (f) Community special event signs are permitted in any district, subject to the following restrictions:
  - (1) One community special event sign located on the lot on which the special event is held. Up to two such signs however may be located off the premises.
  - (2) The display of such signs shall be limited to the fourteen days immediately preceding the special event which is being advertised.
  - (2) Such signs shall have a maximum size of thirty-two square feet in area, and a maximum height above ground level of six feet and shall be set back from any side or rear property line a minimum of fifteen feet. The front setback shall be as required for signs in the district in which the sign is to be located.
  - (4) Such signs shall be removed within forty-eight hours of the conclusion of the special event which is being advertised.
- (g) One temporary sign not exceeding thirty-two square feet in surface display area per subdivision development, which shall be removed upon the sale of ninety percent of the lots in the development.
- (h) Sandwich board signs: Placement and size to be determined as to not impede traffic, right of way, or vision of traffic.
- (i) Temporary yard signs.
  - (1) Maximum number. Two per lot or parcel. However, within a timeframe from thirty days prior to an election to three days after, there is no restriction on the number of temporary yard signs. During this timeframe, the maximum size



of each temporary yard sign is thirty-two square feet and the maximum height is six feet. Signs related to elections are prohibited within one-hundred feet of an entrance to a polling place.

- (2) Maximum size. Twelve square feet total for all signs.
- (3) Maximum Height. Four feet.
- (4) Illumination. Not permitted.
- (5) Per Section 1259.07 (c), temporary yard signs are prohibited in public right-of-way.

#### **1259.04 RESIDENTIAL DISTRICTS.**

Any sign not expressly permitted is prohibited.

- (a) One non-illuminated wall sign identifying a home occupation not exceeding four square feet in surface display area.
- (b) One permanent development entry sign, not exceeding thirty-two square feet in surface display area, limited to the name of the development or developer, providing the sign is harmonious in appearance with the existing and intended character of the general vicinity and within the community as a whole.
- (c) One wall sign placed on the main building of the apartment development. Such sign shall not exceed thirty-two square feet in surface display area and may be illuminated.
- (d) For permitted uses other than dwellings, one ground sign per parcel not exceeding thirty-two square feet and eight feet in height. Such sign shall be setback at least five feet from the edge of the right-of-way line.

#### **1259.05 COMMERCIAL DISTRICTS.**

Any sign not expressly permitted is prohibited.

- (a) One free standing sign per parcel, unless otherwise stated, subject to the following standards:
  - (1) Pole sign not exceeding 64 square feet in sign face surface display area. Pole signs shall be located in the front yard. The leading edge of the sign may be placed at the right of way line. The bottom of such signs shall be at least eight feet from the average grade with the top of the sign no higher than 20 feet. This sign may be illuminated.
  - (2) Ground sign not exceeding 48 square feet in sign face surface display area. Ground signs shall be located in the front yard. The sign and base setback is ten feet from any lot line. The top of the sign shall be no higher than six feet above the average grade. This sign may be illuminated. A second ground sign subject to the same standards is allowed on corner lots, but signs shall be located on separate road frontages. Along Polk Road, ground signs are limited to 90 square feet in sign face surface area and a height no higher than ten feet above the average grade.
- (b) Wall signs shall not exceed twenty percent of the building face to which it is attached. Such signs shall not extend more than six inches from the building surface and shall not extend above the cornice or roof line. Wall signs shall be placed only upon the principal building and shall face public streets or parking areas which are on the same premises. These signs may be illuminated.
- (c) One temporary banner per building not exceeding sixteen square feet in surface display area.
- (d) One flag per lot not to exceed thirty square feet in surface display area. When displayed, such flags shall be affixed to a building or placed in the ground in a permanent mounting. Flags shall be located in a manner that does not interfere with the safe use and operation of motor vehicles or in pedestrian use of public areas, nor create a nuisance to the general public in any way. Advertising flags under this section do not require a sign permit.
- (e) One marquee sign per marquee not exceeding twenty percent of the marquee surface to which it is attached. These signs may be illuminated.
- (f) One projecting sign per building with the surface display area not exceeding one and one-half square feet for each lineal foot of building frontage up to a maximum of sixty-four square feet. Projecting signs shall be attached directly to a building by means of building mounts or from a mast arm. Projecting signs must project at a ninety degree angle to the building surface to which it is attached and shall not project above the cornice or roof line. The lowest point of a projecting sign, including guy wires and metal framework shall not be less than ten feet above the ground level. Projecting signs shall not extend beyond the minimum required setback line or into and over a public right-of-way, except for projecting signs in the B-2 Zone.
- (g) A gasoline service station may, in addition to the above, have one, two-sided, on- premise sign indicating price and grade of fuel not exceeding thirty-two square feet in surface display area. Directional signs over individual doors or bays not exceeding three square feet per sign are also permitted. Customary lettering, insignias or symbols which are a permanent or structural part of the gasoline pump shall also be allowed.
- (h) One parking lot directional sign at each point of ingress or egress for the enterprise it is intended to serve. Each sign shall not exceed four square feet in surface display area.
- (i) One, double or single sided, on premise electronic display sign in all business and commercial areas.
- (j) Window signs shall be permitted.

#### **1259.06 INDUSTRIAL DISTRICTS.**

Any sign not expressly permitted is prohibited.

- (a) Signs in the D-1 Zone shall be subject to the following regulations:
  - (1) One free standing sign per parcel, unless otherwise stated, subject to the following standards:
    - A. Pole sign not exceeding 200 square feet in sign face surface display area. Such signs shall be located in the front yard with the leading edge of the sign at least 20 feet back of the right of way line. The bottom of such sign shall not be any lower than two feet nor any higher than ten feet from ground level. This sign may be illuminated.
    - B. Ground sign not exceeding 48 square feet in sign face surface display area. Ground signs shall be located in the front yard. The sign and base setback is ten feet from any lot line. The top of the sign shall be no higher than six feet above the average grade. This sign may be illuminated. A second ground sign subject to the same standards is allowed on corner lots, but signs shall be located on separate frontages.
  - (2) One wall sign per building face, not exceeding two per building, with the surface display area not exceeding twenty percent of the building face to which it is attached. Such signs shall not extend more than six inches from the building surface and

shall not extend above the cornice or roof line. Wall signs shall be placed only upon the main building and may only face public streets or parking areas which are on the same premises. These signs may be illuminated.

(3) One marquee sign per marquee not exceeding twenty percent of the marquee surface to which it is attached. These signs may be illuminated.

(4) One directional parking lot sign at each point of ingress or egress shall be permitted for the enterprise it is intended to serve. Surface display area, per sign, shall not exceed four square feet.

(5) One free standing sign identifying the development near the entrance to an industrial complex. Such signs shall not exceed 200 square feet in surface display area. The bottom of these signs shall not be any higher than two feet nor any higher than ten feet from ground level and shall be a minimum of twenty feet from any street right-of-way.

(b) Signs in the D-2 Zone shall be subject to the following regulations:

(1) Freestanding signs shall be setback a minimum of fifteen feet from the front lot line and shall not exceed thirty square feet in area or four feet in height.

(2) Signs attached to the building shall be attached flat to the building and shall not exceed 100 square feet in area.

(c) Window signs shall be permitted.

#### **1259.07 DESIGN, CONSTRUCTION AND LOCATION STANDARDS.**

(a) All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or as a result of the effects of the weather.

(b) Signs may be internally or externally illuminated. The source of the light shall be enclosed and directed to prevent the source of light from shining directly or indirectly onto traffic or adjacent or nearby properties.

(c) Signs shall not be placed in, upon or over any public right-of-way, alley, or other place, except as may be otherwise permitted by the City or Michigan Department of Transportation.

(d) A sign shall not be erected in any place where it may, by reason of its position, shape, color, or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance.

(e) A sign shall not contain any moving or animated parts except for barber poles.

(f) A sign and its supporting mechanism shall not extend beyond any lot lines of the property on which it is located.

(g) Corner clearance and visibility.

(1) Signs shall not be erected, established or maintained on a corner lot that will obstruct the view of a driver in a vehicle approaching the intersection.

(2) At a street intersection, an unobstructed corner shall mean the triangle formed by a line connecting two points, located on the intersecting right-of-way lines, measured 25 feet from their point of intersection.

(3) At a driveway/street intersection, a sign shall not be erected, established or maintained where it will obstruct vision between a height of three and ten feet within a triangle formed by the intersection of the right-of-way line and a driveway. This triangle is defined by a line connecting two points, one located on the right-of-way line and the other on the edge of the driveway. The two points shall be located 15 feet from the intersection point of the right-of-way line and the edge of the driveway.

#### **1259.08 PORTABLE OR MOVABLE SIGNS.**

Any sign, excluding those specifically provided for, not permanently anchored or secured to either a building or the ground, including but not limited to "A" frame, "T" frame, inverted "T" frame, or those mounted on wheeled trailers shall be prohibited.

#### **1259.09 MEASUREMENT OF SIGNS.**

(a) The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame of other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the pedestal, poles or other structure necessary to support the sign.

(b) The area of a freestanding or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, and are no more than two feet apart at any point the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.

(c) The height of a sign shall be measured as the vertical distance from the highest point of the sign to the finished grade of the ground immediately beneath the sign excluding any artificially constructed earthen berms.

#### **1259.10 NONCONFORMING SIGNS AND SIGNS ACCESSORY TO NONCONFORMING USES.**

(a) Every legal permanent sign which does not conform to the height, size, area or location requirements of this chapter as of the date of the adoption of this chapter, is hereby deemed to be nonconforming.

(b) Nonconforming signs may not be altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained, repaired and restored so as to continue the useful life of the sign.

(c) For the purposes of this chapter, a nonconforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing its status as a legal nonconforming sign.

(d) If a nonconforming sign is damaged or destroyed by fire, explosion, flood, wind or other calamity, the sign may be restored to the condition exactly as it existed immediately prior to the damage or destruction, unless the estimated cost of restoration or replacement exceeds fifty percent of the appraised replacement cost of the entire sign prior to the loss, as determined by the City. If the estimated cost of restoration or replacement exceeds fifty percent of that appraised replacement cost, the right to continue using the nonconforming sign shall thereupon terminate and the sign shall be brought into full compliance with all applicable provisions and requirements of this chapter prior to further use.

#### **1259.11 SIGN PERMITS.**

(a) No sign shall be erected, replaced, altered, enlarged, illuminated, changed in purpose, or relocated without first obtaining a sign permit. Permits shall not be required for signs specifically exempted, temporary yard signs, window signs, banners, and the copy of changeable letter signs. Signs exceeding thirty-two square feet in surface display area shall require a building permit prior to erection. An electrical permit shall be required for any sign utilizing electricity.

(b) An application for a sign permit shall be made through the City Clerk by submission of a form provided by the City. The application can be made by the owner of the property or by any other interested party with the owner's consent.

(c) The Zoning Administrator shall review all sign permit applications and issue permits only for those applications fully meeting ordinance requirements. The Zoning Administrator shall, absent extenuating circumstances, render a decision within five full working days of receipt of a completed application submittal.

Section 2. Effective Date. This Ordinance shall be effective seven (7) days after the publication of a summary of its provisions in a local newspaper of general circulation in the City of Hart.

AYES: \_\_\_\_\_5\_\_\_\_\_
NAYS: \_\_\_\_\_0\_\_\_\_\_
ABSENT: \_\_\_\_\_2\_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

\_\_\_\_\_  
Cheryl Rabe  
City Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Hart City Council at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

\_\_\_\_\_  
Cheryl Rabe  
City Clerk

FIRST READING: 11/12/19
MOTION BY MS. MARTIN, SUPPORTED BY MR. LA PORTE.
5 AYES, 0 NAYS, 2 ABSENT

Memo
To: Mayor and City Council
From: Lynne Ladner
Date: 11/26/19
Re: Compensation Commission report

In October the Council appointed members to the Local Officials Compensation Commission to review the issue of pay for the Board of Review members and the City Council and Mayor. The Commission met in October and in November and reported back the following recommendations/decisions For the Board of Review it is their recommendation that the members continue to be paid as they are now \$50 for a whole day and \$25 for a half day. It is also their recommendation that the board of review be transitioned from an elected board to an appointed board For the City Council the commission's recommendation/decision is to keep member pay at the current rate of \$30 per meeting for council members and \$50 per meeting for the mayor. The did make the change that going forward council members and the mayor would only be paid for meeting that they attend. The Commission's decision for the Council pay goes into effect 30 days after filing it with the City Clerk, the time started with the inclusion of the commission minutes in the Council packet on Nov 22nd. If the Council wants to reject the decision of the Commission they will need to pass a resolution rejecting the decision which must be adopted by a 2/3 vote (5 member) of the Council. In regards to the Board of Review pay, the Charter states that the City Council sets the BOR compensation, so in order for the pay decision of the Commission to take affect the Council will need to adopt a resolution accepting

the recommendation of the Commission. However, if the Council is interested in pursuing the recommendation of transition the BOR from an elected board to an appointed board it will require a Charter Amendment. A charter amendment requires a vote of the city-electors. The question can be placed on the ballot by the a 3/5 vote of the Council or by petition from the electors. There are three elections scheduled for 2020, the March Presidential Primary, the General Election Primayr in August and the November General Election. It would however be my recommendation that if the Council is interested in pursuing a Charter Amendment that they actually convene a Charter Commission to review the entire City Charter to determine if there are any other items (including our council elections) that could be updated to be consistent with changes in State law. This way the Charter Amendment process would be inclusive of the full charter not a single item.  
Lynne

**RESOLUTION 19-78**  
**City Council**  
**City of Hart, Michigan**  
**Oceana County**

***Accepts the recommendation of the Local Officers Compensation Commission regarding Board of Review Pay***

WHEREAS, the City of appointed the Local Officers Compensation Commission to review and make a recommendation regarding pay for the Board of Review and

WHEREAS, the Commission has made their recommendation to continue the current rate of pay for the Board of Review at \$25 for half day, \$50 for full day; and

WHEREAS, the Council acknowledges the recommendation of the Commission and the additional recommendation of the Commission that it be considered to move the Board of Review from elected positions to appointed position;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

*Accepts the recommendation of the Commission and continues the compensation for the members of the Board of Review at the rate of \$25 for a half day and \$50 for a whole day.*

Moved by Ms. Martin, supported by Mr. Frontiera, and thereafter adopted at the regular City of Hart City Council meeting on November 26, 2019.

Ayes: 5 Nays: 0 Absent: 2

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.



Cheri Eisenlohr, Deputy City Clerk

**SPECIAL EVENTS PERMIT:**

None

**DISCUSSION ITEMS:**

Memo

To: Mayor and City Council  
 From: Lynne Ladner  
 cc:  
 Date: 11/26/19  
 Re: Presentation of Phase II EAS, BEA, and DCAP for 227 E. Main

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As part of the City's due diligence related to the purchase of 227 E Main, an environmental review and assessment have been completed by Dixon Environmental Consultants. Phase II EAS detected contamination on Lot 7 which the City is purchasing a 1/2 interest. As a result, a baseline environmental assessment and due care action plan have been developed for submission to the State of Michigan to protect the City from liability for the contamination. The reports total just under 400 pages of documentation and narration and are available for review at City Hall or on the Forms, Publications, and Links page of the City's website.

Lynne

Memo

To: Mayor and City Council  
 From: Lynne Ladner  
 cc:  
 Date: 11/22/19  
 Re: Presentation of Downtown Planning Summary as drafted for the RRC Certification Program

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As part of the Redevelopment Ready Community (RRC) program, the City is required to have an adopted Downtown Development Plan (DDP) or a Downtown Planning Summary (DPS). The DDP is a plan similar to the master plan that is developed with specific required steps and input from the community. The DPS is a summary document that collects the information that is traditionally in the DDP from other plans that have already been adopted by the City such as the Master Plan, Zoning Ordinance, Public Participation Guide, etc. The planning commission has had the DPS presented to them, and the MEDC, which administers the RRC program has reviewed the DPS and approved it as complete for their requirements. The DPS does not need formal adoption, as it is a summary of other documents.

This document has been compiled to meet the RRC requirements and only contains information that has previously been adopted by the City Council in those plans. This does not create any new projects or any commitment to the City.

Lynne

Memo

To: Mayor and City Council  
 From: Lynne Ladner

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cc:  
 Date: 11/22/19  
 Re:  
 Discussion to designate 2002 Ford Utility Bucket F550 as surplus equipment

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The Hydro Energy Department is seeking permission to designate the 2002 Ford Utility Bucket F550 as surplus equipment and offer it for sale. This piece of equipment has already been replaced by a new vehicle. We will be providing a bid sheet that provides the details of the vehicle for sealed bids and has set a not to be disclosed minimum bid amount so that if we do not receive that are adequate to cover the value of the vehicle.

Lynne

Memo

To: Mayor and City Council  
 From: Lynne Ladner  
 cc:  
 Date: 11/23/19  
 Re: Discussion regarding use of City-owned property off Tyler Rd and 96<sup>th</sup> Ave and well, a whole lot more.

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As the Council is aware, we are preparing to re-submit our application for the Michigan Natural Resources Trust Fund (MNRTF) grant program for the expansion and updating of Veteran's Park as part of the improvements the City is making to our recreation offerings near to and related to the hydroelectric dam. We submitted our application during the 2018 application cycle and scored very well (tied for 8<sup>th</sup> in points), but ultimately, other projects received funding that year. Based upon the scoring of our application during the 2018 grant cycle, there are two areas to potentially increase our scoring for the project. The first collaboration, this would include a formal agreement to share, maintain and operate the recreation site with two or more local units of government or in a partnership between the City and other non-governmental organization such as the schools or a non-profit organization. The second area would be to elevate the project to qualify as one of the priority project types of the MNRTF board. Most specifically, the Development of a water trail trailhead and/or canoe pull out facilities on a documented and promoted trail plan. The proposed trail must be identified on a documented trail plan and uploaded with the application. This is where the City property off of Tyler Rd comes in to play. The Veteran's Park project includes the improvement of put-in and pull-out facilities for kayaks and canoes; however it is not on a currently designated water trail. In doing research on water trails, I have discovered that the State of Michigan has a well-developed guide for identifying and designating water trails. I have also discovered that currently, the shoreline of the Pentwater Lake has been broken into segments that are each just over a mile long and encompass the circumference of the Lake. This uses both City and Township launches and provides them with an area that contains these sought after priority projects. If the City were to work in conjunction with our application for the Veteran's Park improvements, the development of a water trail from the City-owned property, which would be just by rough estimate approximately a 2-mile water trail to the put-in/pull-out facilities in Veteran's Park. I understand that this is most likely not as simple as it sounds. But the start would be to determine if the City has a planned use for the approximately 6-acre parcel that they own in Hart Township.

In 2016 a recommendation was made to the City Council by the Power Board for the sale of this parcel of land. An Oceana County resident made an offer to the City at that time for the purchase of the property. The Council had a discussion, and the option of this parcel being an access point for kayaking was brought up, and the matter was tabled by the Council. I was recently made aware of this property and began informal internal discussions regarding its possible use as a trailhead/access point to enable the City to develop a highly sought after water trail project.

As part of a completely different discussion that I had with stakeholders in Oceana County regarding housing a representative for the Oceana County resident that had previously offered to purchase the property informed me that the resident remained interested in the parcel and provided me with a very generous offer if the City were interested. When informed that the City may desire to use the parcel as parkland for accessing the South Branch of the Pentwater River it was made clear that the interested party would be willing to alter the offer limiting the purchase to the land located north of the river permitting the City to maintain the drive access and land adjacent to the south bank of the river which is approximately 2 acres with no reduction in the offered price.

If the City were to move forward with considering an agreement for the sale of this property or a portion thereof much-needed funds would become available for the City to use either for the development of the access facilities at this location or toward developing a circular water trail along the shoreline of Hart Lake broken into segments utilizing the access points of Veteran's Park, John Gurney Park and the Hart Hydro Disc Course facility.

I realize that this is a lot of information to take in and that the Council will not be ready to take any action related to this at the meeting on the 26<sup>th</sup>. However, I do believe that there are several issues here that should be considered sooner rather than later. They include:

Is the City interested in pursuing the development and designation of a water trail in, near, or through the waterways located in Hart?

If the City is interested in pursuing a water trail, does the Council feel that a circular or linear trail is the best option for the City?

If the City is interested in pursuing the circular trail, do they want to consider the sale of this parcel to assist with funding the development?

If the City is interested in pursuing the linear trail, is the parcel in question one that will enhance the trail development or increase the challenges associated (the river in this area is known to be difficult to maneuver and will require substantial remediation to enable clear passage to the easternmost mouth to Hart Lake)?

If the City is interested in pursuing this parcel as the trailhead does that include the use of the full 6 acres (keeping in mind cost increases for facilities on the north river bank due to limited access to the property on that side), if the City is interested in pursuing a trailhead access point but only on the south side are they interested in pursuing the sale of the remaining property to help fund the project?

At the very least as we are working toward reviewing and updating the City's grant application to the MNRTF direction on whether to concurrently pursue the idea of a water trail and provide the Council with additional information related to the process and how the options could work in that process and if any or all are worth pursuing further.

I also believe that it is important for the Council to consider the generous offer that has been made regarding the parcel in the township. The issue has been tabled since November of 2016, and as the party is still interested, I think that the Council should make an effort to decide what their future intentions for this land include.

Lynne

City of Hart

Memo

To: Mayor and City Council  
 From: Lynne Ladner  
 Date: 11/23/19  
 Re: Discussion regarding Creeks Development.

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The City in July of 2018, based upon the proposals submitted, authorized the City Manager to negotiate an agreement with Blackmer Construction for the development of the property located in the Creeks Condominium development. For reasons on both sides of the deal, the two parties have thus far not been able to complete an agreement.

As we complete the traditional building season in Michigan, I think that it is a good opportunity for the City to review the situation and determine if negotiating with Blackmer Construction for the exclusive development of the project remains in the City's best interest.

The City owns 10 duplex sites (20 housing units), 5 triplex sites (15 housing units), 2 quadplex sites (8 housing units), and 7 single-family home sites for a total of 50 potential housing units. This can expand or contract depending upon any decision made regarding contraction of the condominium plan to separate off property for a different housing project.

During my tenure with the City, I have had the opportunity to meet with several people and groups that are interested in developing as little as an individual parcel, a portion of the development segmented off, or as many as thirty parcels at a time. It is my belief that the best interest of the City is served by the most expedient and thought out the development of the property. It is also very important that the Council acknowledge the housing crisis that is facing, not just the City of Hart but all of Oceana County. The housing issue affects more than just the low-income and senior populations. What I call transitional housing is sorely lacking in Oceana County. Transitional housing as I am defining covers residents that are just looking to purchase their first home, traditionally called starter homes in many cases today these housing options cover residents that are looking to transition, whether that is early in life/career path and they are purchasing their first home, it could be a resident looking to purchase a house for a single-parent household needing less space and a lower cost, it could be the couple that is looking to downsize to accommodate their empty nest, and yes this housing definition covers the senior population looking to reduce house size, lot size and with it outdoor maintenance, and possibly urban amenities if they have previously lived in a rural setting. Transitional housing as you can see covers many different needs and a wide variety of residents.

It has been seventeen months since the decision was made to move forward with Blackmer Construction. It has been two and a half years since the City acquired the property. I believe that with everything that has transpired perhaps it would be wise to take a step back and make sure that the best interest of the City and its residents is still being served by the decision that has been made, are there any alternatives that the council would/should to consider in light of the potential to develop multiple lots in a more accelerated timeframe from other sources/developers.

Lynne

**CITY MANAGER REPORT:**

Manager's report



- Performance Shelter update – Tracy and I are working on getting the engineered drawings for the project. Should not be an issue to have them ready so that Lion’s Club can confirm that they are still willing to pay for the material and construct before the end of the calendar year
- Met with the engineers from P&N this week, along with the financial analyst that is working on the sewer rate study. The SAW grant ends Dec 31<sup>st</sup>, and P&N has a final report that they would like to present to the council. At the same time, the analyst would like to go over the rate study; it will be helpful to do the two presentations at the same time as the rate study is very dependent upon the CIP for the sewer department. The Sewer CIP is interdependent with the Water and Street CIP’s as well. Both agreed that it would be best to do the presentation at a work session rather than a regular meeting due to the amount of time needed. They would like to do the work session on Tuesday, December 17<sup>th</sup> at 6 pm
- The FY2019 Audit will be final and submitted to the Council for acceptance in the next week, or so; they traditionally provide a presentation to the Council; however, they are not available on Dec. 10<sup>th</sup>, the next regularly scheduled meeting of the council. There is not a legal requirement that the auditors conduct a presentation. If the Council is amenable, copies of the Audit and the accompanying letters will be provided prior to the next meeting, and the Council can adopt the resolution to accept the audit at that meeting without a presentation. If a presentation is preferred by the council, it can be done at the first meeting in January.
- In September, the council was approached to consider adopting an ordinance permitting ORVs and Golf Carts on City Streets. It was referred to the Planning commission. The PC members were provided copies of the documents that were given to the City regarding the economic benefits as determined by the MSU study, a copy of a sample ordinance, and sample resolution from other jurisdictions in Oceana County. The PC will begin discussions on the issue at their meeting on Thursday, December 5<sup>th</sup>. This is not a public hearing, just the preliminary discussion on the issue to gain a better understanding of the issue before making any decision on how to proceed. The meeting is at 4pm.
- I want to remind anyone that is interested in the ReThink Oceana event is taking place tomorrow at Double JJ Resort. This is an opportunity for Oceana Co. businesses to network with former Oceana Co residents that are returning for the Thanksgiving Holiday to present them with opportunities to return to the area.
- On Friday, the Christmas Parade will be traveling through the City beginning at 6:30 from the School properties on Johnson St. Santa will be waving in the holiday season, and I know that everyone enjoys the lighted evening parade.
- The city is working on the final stages of completing the CDBG grant documents before the end of the calendar month. Once those documents are completed, I will be requesting that the council award the project, and we move forward with scheduling a spring construction.
- On Tuesday, Dec. 10<sup>th</sup> Mike Schiller and I will be meeting with representatives from EGLE, the DNR, Rep. Van Singel, and his staff, representatives from Sen. Bumstead’ s office and the MMEA to discuss our request for legislation to assist the City with compliance with the administrative consent order that we entered into due to issues related to the Dam.
- Just a quick look forward. We have been in contact with the company that has provided the fireworks for Hart Sparks in the past. Due to issues with July 4<sup>th</sup> falling on a weekend this year, they are not able to contract for our usual rain date. With that in mind Main

Street is moving forward with Hart Sparks on our traditional July 2<sup>nd</sup> date but if the show is unable to take place due to weather the rain date will be July 11<sup>th</sup> and coordinate with the visit of the traveling Vietnam Veteran's Wall which will be on display at the Oceana Co Fairgrounds that day.

- It was suggested that a work session be held on December 17<sup>th</sup> at 6:00 pm to discuss the final SAW grant report, Sewer rate study and the CIP. All members agreed.

**CITY ATTORNEY'S REPORT:**

- None

**CLOSED SESSION:** Entered into at 9:20 pm by motion made by Ms. Martin and supported by Mr. Hegedus to discuss MCL 15.268 Sec. 8 (h) To consider material exempt from discussion or disclosure by state or federal statute discussion regarding the City Attorney's written legal opinion concerning Moorman transaction – 227 E. Main St., all ayes of those present, the motion carried.

Returned to Open session at 9:41, by motion made by Ms. Martin and supported by Ms. Platt, all ayes by those present, the motion carried.

A motion was made by Ms. Martin to allow the City Manager to proceed with the closing on Walker's building at the new price of \$55,000.00, supported by Ms. Platt. Ayes: 4, Nays: 1 (Frontiera), Absent: 2

**COMMUNICATIONS FROM THE MAYOR AND COUNCIL:**

- Appointment of Jake Tufts to the Main Street Board
  - Mr. Hegedus motioned to accept the application of Mr. Tufts, supported by Ms. Platt, all ayes of those present, the motion carried.
- Ms. Martin distributed a memo in regards to the Main Street Program and having a work session.

There being no further business to come before the Council, the meeting adjourned at 9:42 p.m., upon motion by Mr. Hegedus and supported by Ms. Platt. The next regular meeting is December 10, 2019, at 7:30 p.m., to be followed immediately with a workshop to discuss the future of the HMS program requested by Ms. Martin.

Respectfully Submitted



Deputy City Clerk