



**CITY OF HART  
407 S. STATE ST.  
HART, MI 49420  
COUNCIL PROCEEDINGS  
JULY 25, 2017, 7:30 P.M.**

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

**ABSENT:** None

**OTHERS PRESENT:** City Manager – Stan Rickard, Chief of Police – Juan Salazar, BioPure Superintendent – Paul Cutter, Superintendent of DPW – Brad Whitney 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 1<sup>st</sup> amended agenda and supported by Mr. LaFever. The minutes from July 11, 2017, regular meeting were approved as printed, motioned by Mr. Wittman and supported by Mr. Hegedus. All ayes, motions carried.

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

None

**DEPARTMENT REPORTS:**

- Mainstreet Manager, Julie Kreilick covered the following items:
  - July has been very busy and thanked the City for the contribution to the Hart Sparks program.
  - The first two Farmer’s Markets have taken place and did very well for both the vendors and consumers.
  - There has been a great deal of foot traffic in the Marketplace shop as well.
  - The concerts have been plagued by inclement weather, but the events continue in Kristi’s Pour House.
  - Volunteer hours have accumulated to 245 for June.
  - A reminder of the upcoming National/State Mainstreet meeting taking place on August 29. The representatives would like to meet with local government as well as staff. The meeting should be held around 2:00 pm. There will be a community meeting at 7:00 pm.
- BioPure Superintendent, Paul Cutter reported that the plant was ramping up due to cherries being processed and Indian Summer still using the facility. August 8 on out – Paul will be presenting the Council with information regarding the second irrigation site. The project will be presented in stages. EDI has an item called BioMizer. Using this device would save one-third of the current electrical cost. More information will be available at the next meeting. Mayor LaPorte suggested that the Council go out to the facility for a tour and asked Paul to get this scheduled.
- Police Chief Salazar talked about the Magic Show and Book Reading that they participated in at the Library, the event was very appreciated by all who attended. The Big Rapids Police Department asked Sgt. Skipski to do his magic show at one of their events on August 1. On July 26<sup>th</sup> there will be an award presentation given by the Michigan State Police to various officers that assisted in the fire at Parkview Manor.
- DPW Superintendent, Brad Whitney advised the Council that this was his first day back as he was out for seven weeks due to knee replacement surgery. Brad gave updates on the following:
  - Disc Golf Course – ready to pour concrete
  - Parking lot expansion starts next Monday – (Lower Library)
  - Trimming trees to open up the street signs

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

None

**BILLS, CLAIMS, PAYROLL:**

Mr. Rickard discussed the following invoices in detail:

\$69,900.00: Alerus Financial, OPEB funding

\$1,017.12: Hart Cemetery, 2017 taxes dispersed

Bills totaled: **\$226,744.21**

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

Ayes: 7            Nay: 0            Absent: 0

Discussion: Mr. Splane pointed out missing/illegible signatures on invoices and reminded the superintendents that the Mayor asked for this issue to be addressed at a previous meeting.

**ACTION ITEMS:**

City Manager, Stan Rickard presented the following:

**RESOLUTION 17-60  
City Council  
City of Hart, Michigan  
Oceana County**

**88<sup>TH</sup> AVENUE ELECTRIC SUBSTATION  
DUAL TRANSFORMER PROJECT  
BID AWARD**

WHEREAS, the 88<sup>th</sup> Avenue Electric Substation is equipped with two 10 MVA transformers: a 1981 reconditioned unit acquired in 2013/2014; and a 2001 unit severely damaged in a July 2013 fire, later repaired and placed at the substation, but not physically connected to the system; and due to the age of the transformers it is rational and prudent to permanently connect the 2001 unit to the system to improve substation reliability; and

WHEREAS, GRP Engineering (Petoskey) prepared project plans and specifications for the 'dual transformer' upgrade; and pursuant to Resolution 17-51 City Council approved the bid and award phase of the project; and on July 20, 2017, the City received 3 bids from highly qualified contractors presented herein:

<b>BIDDER</b>	<b>BID AMOUNT</b>
Kent Power	\$283,690.00
Newkirk Electric	\$458,388.68
Rauhorn Electric	\$508,268.00

WHEREAS, Kent Power (Kent City, MI) was the low bidder; and GRP Engineering recommends contract award to the low bidder; 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 HART CITY COUNCIL:

*Accepts the low bid of \$283,690.00 from Kent Power (Kent City, MI) for the 88<sup>th</sup> Avenue Dual Transformer Electric Substation Project (Project).*

*Approves a construction contract with Kent Power; and authorizes and directs the City Manager to sign all contract documents on behalf of the City of Hart.*

*Authorizes and directs the City Manager and GRP Engineering to implement the Project in accordance with the plans and specifications on behalf of the City of Hart.*

Moved by Mr. Frontiera and supported by Mr. La Fever, and thereafter adopted by the City of Hart City Council at a regularly scheduled meeting held on Tuesday, July 25, 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 17-61**  
**City Council**  
**City of Hart, Michigan**  
**Oceana County**

***WOLVERINE POWER SUPPLY COOPERATIVE***  
***JOINT MICHIGAN APPRENTICESHIP PROGRAM***  
***PARTICIPATING UTILITY AGREEMENT***

WHEREAS, Hart Hydroelectric is required to employ certified electric line workers to perform operations and maintenance activities on the City of Hart electric facilities; and

WHEREAS, electric line workers must be trained through an apprenticeship program to secure Journey Line Worker certification; and

WHEREAS, Wolverine Power Supply Cooperative in cooperation with the International Brotherhood of Electrical Worker, Local 876 ("IBEW") has established an apprenticeship program replacing a predecessor program; 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 HART CITY COUNCIL:

*Accepts and approves the Wolverine Power Supply Cooperative, Joint Michigan Apprenticeship Program, Participating Utility Agreement.*

*Authorizes and directs the City Manager to sign the aforementioned agreement and implement the apprenticeship program on behalf of the City of Hart.*

Moved by Ms. Thomson and supported by Mr. Splane, and thereafter adopted by the City of Hart City Council at a regularly scheduled meeting held on Tuesday, July 25, 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 17-62  
City Council  
City of Hart, Michigan**

**AMENDMENT TO  
HART AREA JOINT FIRE ADMINISTRATIVE BOARD  
AGREEMENT**

WHEREAS, the City of Hart is a charter member of the Hart Area Joint Fire Administrative Board ("Fire Board") which formed in 1966 as amended along with Golden Township, Hart Township and Weare Township ("Parties"); and

WHEREAS, in 2014 the Parties adopted a new agreement; and

WHEREAS, the Fire Board recently recommended minor changes to the 2014 agreement; 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 HART CITY COUNCIL:

*Approves amendments to the 2014 Hart Area Joint Fire Administrative Fire Board Agreement:*

- 1. Section 8 Adoption of Budgets: Changing the requirement to "designate 20% of their annual revenues for capital improvements" to "designate up to 20% of their annual revenues for capital improvements".*
- 2. Section 15 Terms of Office: Adding "The Board appointed member will serve a term of four (4) years."*

*Authorizes and directs the Mayor to sign the amended agreement on behalf of the City of Hart.*

Moved by Mr. Splane, supported by Ms. Thomson, and thereafter adopted at the regular City of Hart City Council meeting on July 25, 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

**CITY OF HART**  
**ORDINANCE NO. 2017-02**

***ZONING ORDINANCE AMENDMENT***

***TO ALLOW ILLUMINATED AND ELECTRONIC CHANGEABLE MESSAGE SIGNS***

First Reading: July 11, 2017 - **Approved**  
Second Reading & Adoption: July 25, 2017 – **Sending back to Planning Commission**  
Publication: August 3, 2017  
Effective Date: Ten days after publication (August 13, 2017)

**THE CITY OF HART ORDAINS:**

*A zoning amendment to Chapter 1259-Signs, adding new section 1259.12 allowing illuminated and electronic changeable message signs regulations superseding all other sign illumination references:*

**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 in yards that front State Street, as well as yards that front other streets, subject to a dusk until dawn lighting restriction.
  - (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.
  - (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) ECM components are not permitted within 200 feet of any dwelling unit except in those instances where dwelling units are located on the same parcel as an office or commercial use.
- (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.

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 25<sup>th</sup> day of July, 2017; and that the meeting with 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 3<sup>rd</sup> day of August, 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

Discussion:

Mr. Rickard pointed out that this Ordinance was passed on its first reading, July 11, and that this was the second reading before publication and effective date. He made reference to new phrasing in the ordinance section 1259.12 *supersedes* all other sign illumination references.

Joe Frontiera believes that it words it out perfectly and explains every last thing that needs to be known about it.

Dave Lorenz – Issues:

- Time – is there a schedule when the lights come on and off? Dusk to dawn?
  - Rob Splane explains that there is wording that he would have to shut off his sign at night.
  - The sign on the side of his building is in violation as well as his pole sign.
  - Mr. Rickard stated that there is no grandfathering in regards to this Ordinance.
  - Mr. Lorenz is concerned that no one will know his business is open if he cannot have his lights on at night. He has never received complaints from residents regarding his lights.

George Sadler – Issues:

- He agrees with Mr. Lorenz as a business owner.
- Section C,1,c – One ECM display may be located on a free standing sign – Mr. Sadler references the City’s sign as having two sides, and are independent of one another. Therefore, it is a violation of this Ordinance, as well as businesses located on Polk Road who have two-sided signs. Sign people have told him that this is a dual message display. Need to clarify one vs. two sided signs.
- No grandfathering statements are included in this Ordinance.
- In regards to section C,3 – The entire face of the electronic display shall display no more than one message at a time; he feels that since the City’s sign has two sides, it is, therefore, displaying two messages, not one.
- ‘The light meter issue, do we want one are we going to buy one. It has to have dimming capability – is someone going to monitor this issue.’ ‘These are issues that have to be addressed, or they make it harder for businesses to stay in business.’ Mayor LaPorte stated that you could not compare downtown to Polk Road businesses and that it did not apply to Polk Road. Mr. Sadler said that it would as it supersedes all other references. Mr. Splane confirmed that it would, and Mr. Rickard stated that other than section C,1,c, these other conditions are already in the existing corridor regulations.

Scott Hegg – Issues:

- Wants more clarification on the dusk to dawn clause – do they have to be turned off or just dimmed. Mr. LaPorte did not know as he was not at the Planning Commission meetings. The dusk to dawn

clause was done in favor of residences that fronted local businesses. Mr. Hegg stated that in Holland it only has to dim to a certain percentage not completely off.

Mr. Lorenz stated that it was a business district since 1919 and the residences came after.

Mayor LaPorte asked for comments from the Council

- Rob Splane – no free standing signs in B1 district – are other areas going to be allowed to have them? Mr. Rickard stated that the Planning Commission is working on the setback requirements in the B1 zone, but does not feel that it is likely to happen.

Mr. Lorenz at this time would be required to remove one of his two ECM signs as he currently has a two-sided ECM mounted on a pole.

Mr. Rickard advised the board that they can pass the ordinance on second reading, table it indefinitely or send it back to the Planning Commission with instructions to correct items or make them more explicit. They can vote to defeat it in its entirety, and still send it back to the Planning Commission to discuss the issues that were brought up at this meeting. If this is the option chosen, another public hearing would be required once the ordinance was rewritten.

Mayor LaPorte brought up the existing sign ordinance and that this new ordinance was being done to accommodate certain business owners and their wishes, he feels that it has to be sent back to the Planning Commission. Existing business signs are not in compliance with the present ordinance. Mr. Frontiera revoked his previous statements and is in agreement with the Mayor to send it back to the Planning Commission.

George Sadler asked if there was anything that could be done this night so that Ms. Hegg could install the sign that she had purchased already. The Mayor advised him no, therefore, Ms. Hegg stated that she would go ahead and install her new sign tonight as other business owners were not in compliance with the existing ordinance. She just hoped that when was all said and done that she would be in accordance. Mayor LaPorte asked Mr. Rickard his thoughts, and he said that enforcement would start tomorrow on the existing ordinance, this would affect Mr. Lorenz' signs. Mr. Wittman asked him where the enforcement began and stopped and Mr. Rickard stated with the Zoning Administrator. Mr. Splane went on to state that maybe the existing ordinance should be enforced at this time. Mr. Frontiera stated that the current ordinance is stricter than the newly proposed ordinance.

Joe Frontiera made a motion to send the ordinance back to Planning Commission, supported by Mr. LaFever. Mr. Rickard stated that a checklist needs to be created to show the Planning Commission the areas that are confusing. Anne Hardy asked if the enforcement was going to go into effect tomorrow morning as the present business owners need to know. Mayor LaPorte said that there should be a grace time, he then asked Mr. Rickard what he thought to which Mr. Rickard said that he would start enforcement tomorrow. Mr. Splane asked about the businesses that have permits, would this still affect them? Mr. Rickard said that it would probably be grandfathered, but verification of the permit would be needed. Mr. Frontiera liked the idea of a grace period until the new ordinance is put together; Mayor LaPorte said it would only be for the existing signs and not for any new ones that have yet to be installed.

The members agreed that the following items need to be addressed by the Planning Commission:

1. Item C, 1, c – dusk to dawn – hard to do this in the winter due to the sun setting early.
2. Item C – one sign with two sides – is it a two sided sign with two separate messages, or one sign showing the same message on both sides.
3. Item 4 – only changing signs once every 12 hours will be an issue.
4. Free standing signs in general.

Mr. Splane said that the Planning Commission was originally writing this to be in compliance with a Federal Law that regards the governing of the content of the sign. He would like to see that the wording for this is addressed when the ordinance goes back to the Planning Commission. Roll Call – all ayes, motion carried to send the ordinance back to the Planning Commission.

**RESOLUTION 17-63 Amended**  
**City Council**  
***City of Hart, Michigan***  
***Oceana County***

## **AUDITING SERVICES**

WHEREAS, in 2015 the City of Hart retained Abraham & Gaffney (A&G) (Auburn Hills, East Lansing, Grand Rapids, St. Johns) to perform its annual audit of financial statements; and

WHEREAS, A&G separated the auditing function from their company effective July 31, 2017, to focus on tax services only; and A&G has released the City from its obligations under their contract; and

WHEREAS, **the former A&G principals founded** a new company Stevens, Kirinovic & Tucker (SKT) (East Lansing, Grand Rapids) **by acquiring** the A&G auditing function who would like to perform the City's auditing services using the former **A&G** principals and staff under the same terms, price and conditions; 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 HART CITY COUNCIL:

*Accepts and approves the selection of Stevens, Kirinovic & Tucker to perform the City's auditing services using the same principals and staff under the same terms, price, and conditions; and*

*Authorizes and directs the City Manager to sign all transition documents and implement the SKT services on behalf of the City of Hart.*

Moved by Ms. Thomson and supported by Mr. Frontiera, and thereafter adopted by the City of Hart City Council at a regularly scheduled meeting held on Tuesday, July 25, 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:**

Mr. Rickard reported on:

- GroSolar – is working with Hart Township to develop a solar panel area in the township area. Energy from this project would be distributed by MPPA; the City would benefit from it as it is in a pool with other communities that receive power from MPPA.
- Sun2O – is wanting to lease land from the City of Hart to start a small area for solar panels. Energy produced by this would benefit Consumers Power. It will be discussed further as this is a 20 year planned project.
- Mr. Rickard will be out of town on August 8, so the next meeting could be moved up a week to August 1, or the meeting could be conducted without him. Council decided to move the next meeting to August 1<sup>st</sup>.

**CITY MANAGER REPORT:**

A reminder of the lower parking lot construction that is starting next week. Parking will only be allowed in the upper lot.

**ATTORNEY REPORT:**

None

**COMMUNICATIONS FROM THE MAYOR AND COUNCIL:**

Mr. Wittman brought up a 'neighbor in the neighborhood' who is doing things that are scaring the neighbors. He also stated that this man is listed in the Police Report that was provided to the Council. Mr. Wittman said that this man is putting in a dock on City property. Mayor LaPorte asked Mr. Rickard if this man approached him about putting in a dock, Mr. Rickard said he asked: "Does the City regulate docks?" Mr. Rickard advised him that the DNR does, but the City does not. He did not tell Mr. Rickard at that time that he was building the dock on City property. Mr. Wittman said that he also heard that this man was letting unlicensed people drive. Chief Salazar had not heard this report before.

Mr. Wittman also reported on an issue that Gregg Hodges is having with his neighbor being too noisy. Chief Salazar said that when they have responded to complaints, there has not been any noise once they arrived. They did find children outside playing at 2:30 am. Chief Salazar did report this to Child Protective Services. If the Police do witness a violation, they are issued a citation.

Mayor LaPorte said that there had been a water pressure issue near Hilltop Drive. Brad Whitney said that it is due to valves being turned off at the old DPW building on State Street and that it is more of a flow issue than pressure.

Mayor LaPorte pointed out that on the bottom of every resolution is has the name of the City Clerk; the City Charter states that the City Clerk is supposed to be there taking minutes. Mr. Rickard advised that Cheri and Gale are both Deputy Clerks. Mayor LaPorte just wanted everyone to be aware of this.

Stacie Hegg is concerned about the enforcement starting tomorrow, and she is worried about the downtown businesses losing their signs. She does not want the downtown to lose busy because of this ordinance. Mayor LaPorte said that the Council's instructions were to use a grace period until this is worked through, he does not believe that the Council is in agreement with Mr. Rickards enforcement rule. The Council is instructing the City Manager to not follow through on the enforcement.

**ADJOURNMENT:**

There being no further business to come before the Council, the meeting adjourned at 8:55 p.m., upon motion by Mr. Frontiera and supported by Mr. Wittman. The next meeting will be Aug. 1, 2017, at 7:30 p.m.