



**CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
SEPT. 26, 2017, 7:30 P.M.**

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

ABSENT: Rob Splane

OTHERS PRESENT: City Manager – Stan Rickard, City Attorney – Julie Springstead, Police Chief – Juan Salazar, BioPure Superintendent – Paul Cutter, DPW Superintendent – Brad Whitney, Hart Main Street Manager – Julie Kreilick 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 2nd amended agenda and supported by Ms. Thomson. The minutes from September 12, 2017, regular meeting were approved as printed, motioned by Mr. Wittman and supported by Mr. Hegedus. All ayes, both motions were carried.

PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:

None

DEPARTMENT REPORTS:

- BioPure Superintendent, Paul Cutter: MFP will be running celery, carrots, butternut squash, broccoli and cabbage in October. Heavily loaded, they will only be running for six days, that will alleviate the load on the plant. Indian Summer is replacing their force main pipe and will no longer be using the City's facilities. Paul is considering purchasing replacement blowers for the facility. One company has told him that they could guarantee a \$110,000.00 savings in one year. Paul will have more information by the end of October.
- Police Chief, Juan Salazar: Chief Salazar reported on the success of the TEAM golf outing, 15 teams participated this year. Funds raised are used towards the TEAM program for 5th graders. He was thankful for the local business support, Hart Rotary, and Oceana Golf Course.
- DPW Superintendent, Brad Whitney: The disc golf course – the baskets are in, hole markers are in up to hole 9, the concrete pads are being delayed until the end of October. More brush cutting will need to be done. The lower parking lot is finished, the water main on Johnson Street has been hooked up, and half of the sewer main is connected. The Creeks Subdivision has been mowed and cleaned up. Water hookups and sewer laterals are being identified. In regards to the manhole cover on Hilltop, it was found in the scrap pile at the DPW. Brad does not think that the discharge pipe is attached to anything. There is a plastic drum filled with rocks for drainage. Brad would prefer to not talk to this person again as conversations are misconstrued.
- Hydro Superintendent, Bob Dodds: Absent
 - 88th Ave. is progressing, Woodland Place is moving along as well as the work on Tyler Road, per City Manager, Stan Rickard.
- Main Street Manager, Julie Kreilick: No comment at this time.

REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES:

None

BILLS, CLAIMS, PAYROLL:

Mr. Rickard discussed the following invoices in detail:

\$1,540.00 Linck Law

\$93,317.27 Prein & Newhof

Bills totaled: \$216,494.15

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

Ayes: 6 Nay: 0 Absent: 1

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 requirement 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 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 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

Discussion:

- ★ Julie Kreilick, Main Street Manager, read a statement detailing her support of the Main Street Program and their opposition to this ordinance. She covered what the National and State Main Street Boards would like to have happen here in Hart of which, ECM signs are frowned upon so that the historic preservation standards are upheld. If this ordinance passes, the City is at risk of losing their Main Street status.
- ★ Anne Hardy, Economic Development Director, voiced her support of the Main Street Program and its dictates as well. Anne displayed a very thick binder that contained the application the City had to fill out to obtain its Main Street title.
- ★ Stan Rickard, City Manager, presented a memo from Williams and Works from March of 2017 that stated their opinion regarding downtowns. "Commercial and residential areas that represent 'by-gone eras' are typically valued by residents and tourists for their historic attributes." This is a statement made in the letter that shows the general theme of their opinion. Mr. Rickard stated that he is very "pro-business" for the downtown area.
- ★ George Sadler appreciates the work that has been done and knows that he will not get what he wants. He states that there were two individuals on the board, during a previous Planning Commission meeting, which stated Dave Lorenz would not have to remove his signs that are in violation of the current ordinance. Mr. Sadler stated that it has to be done fairly for all, not just for a few.
- ★ Joan Lundborg spoke of being involved when the program first started; she fully supports Hart and all that it has to offer. She and her husband have traveled all over the small towns across the country and check the other Main Street Communities; she noted that these communities do not have electronic signage and they do fine without it.

Mayor LaPorte would like this item tabled until the next meeting so that the City Manager and the Planning Commission could meet on it one more time before the next Council meeting. He takes what the State and National Main Street Representatives recommended for Hart very seriously; he realizes that the full Council did not hear all that the National speaker had to say as only he and Karen Thomson attended the meeting. Some of the Planning Commission members were in attendance at the meeting as well. He would like the best decision made on this item.

A motion was made by Ms. Thomson to table this ordinance until the next meeting; the motion was supported by Mr. La Fever.

Ayes: 5 Nays: 1 Absent: 1

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:

<Insert Text Here>

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 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 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

A motion was made by Mr. Frontiera to approve this ordinance on first reading; the motion was supported by Mr. La Fever.

Ayes: 6 Nays: 0 Absent: 1

Discussion:

RESOLUTION 17-72
City Council
City of Hart, Michigan
Oceana County

BUILDING DEMOLITION
Former Sandusky Lumber Company (1868-1912) and
Hart Cherry Packers (1923-1973)

WHEREAS, the City of Hart owns the former Sandusky Lumber Company and Hart Cherry Packers building in the Hart Historic District; and

WHEREAS, the building is severely deteriorated and dangerous and must be demolished; and

WHEREAS the City advertised publicly for demolition bids, and on September 20, 2107, received four bids with the low bid from Hallack Contracting (Hart) and

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Accepts the bid from and awards a contract to Hallack Contracting in the amount of \$47,880.00 to demolish the former Sandusky Lumber Company & Hart Cherry Packers building in the Hart Historic District.

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

Moved by Mr. Frontiera, supported by Mr. La Fever, and thereafter adopted by the Hart City Council at a regularly scheduled council meeting held on Tuesday, September 26, 2017.

Ayes 6 Nays 0 Absent 1

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:

- ★ City Council Compensation: Only one Council person completed their worksheet. Instructions were given again to complete the worksheet for the next committee meeting. Mr. Wittman stated that serving on the Council is a service and receiving pay equals trouble. Mr. La Fever stated that he has made his opinion well known, but feels that all committees should receive a stipend. Mr. Frontiera does not think that Mr. La Fever's request is excessive.
- ★ Michigan Natural Resources Trust Fund grant application due April 1, 2018: There are three recreation areas in the City that this grant could be used for, Veterans Park, John Gurney Park or Pointe Park. The Council decided on Veterans Park. The grant is awarded based on a score. Therefore a consultant would be needed as well as the assistance of the Park Committee.
- ★ Suburban Propane Land Donation: Suburban will donate their stretch of land to the north of their building that the DPW currently drives on in exchange for vacating the right of way crossing Dryden Street. The City would retain all and every utility purpose on this vacated right of way. Mayor LaPorte cannot see giving up the right of way on Dryden Street as they have always had access to the back side of their property – why now? Mr. Rickard said that they want to 'perfect' their property and access, they could block the City's access to State Street by closing off the gravel road that the City currently uses. Mayor LaPorte would like a representative from Suburban to attend a City Council meeting, Mr. Rickard will contact them with the invitation.
- ★ Oceana County Council on Aging: As the OCCOA is moving to a new location west of Hart on Tyler Road, a decision needs to be made as to what to do with the old building/site as it will be reverting to the City. The property is currently zoned Medical/Institutional. There is a second building owned by the OCCOA that is located by the DPW that could also become available once they move.

- ★ Move City elections to November: The County Clerk's office has been asking the City to move the City elections from May to November and to go with even-numbered years. This would reduce election costs for all parties involved. The City Charter states that the terms are for three years. Terms for the Council members, this would still work with the County's request. It would extend some terms out by six months initially for current Council members. A resolution would have to be adopted by the end of the year.

CITY MANAGER REPORT:

- ★ Website restructuring is underway. The developer has been in town and has taken various city-wide pictures using his plane and drone.
- ★ An invitation was received to tour the Woodland Place apartments in November.

CITY ATTORNEY REPORT:

Closed session entered into at 8:58 pm by a motion from Mr. Frontiera and supported by Mr. La Fever, all ayes, motion carried. Council returned to open session at 9:36 pm.

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

The Mayor walked the disc golf course and is concerned how they are going to get the cement truck out there. Paul Cutter advised him that a skid steer will be rented and then transported by bucket.

ADJOURNMENT:

There being no further business to come before the Council, the meeting adjourned at 9:38 p.m., upon motion by Mr. Hegedus and supported by Mr. La Fever. The next meeting is Oct. 10, 2017, at 7:30 p.m.