

Allegan City Council
Minutes
Allegan, MI 49010, April 10, 2017

Call to Order: Mayor McKenzie called the regular Allegan City Council meeting to order at 7:01P.M.

Pledge of Allegiance was given by all present.

Pastor Karson of Merson Church gave the invocation

Roll Call:

Present: Stotmeister, Morgan, Leverage, Ingalsbee, Manning, Tripp, Mayor McKenzie

Absent: None

Others Present: City Manager Joel Dye, City Clerk Danielle Bird, Utilities Director Doug Sweeris
DPW Director Aaron Haskin, Parker Johnson, Jordan Meagher

Approval of Minutes:

Motion made by Council Member Morgan and supported by Ingalsbee to approve the council meeting minutes from April 10, 2017. Motion passed.

Mayor's Report:

Mayor McKenzie asked anyone who wanted to speak during public comment to step up to the new podium and state their name and address for the record.

Amendment to the Agenda to add a proclamation for Child Abuse Prevention Month.

City Manager's Report:

City Manager Joel Dye welcomed Jordan Meagher, Community Development Coordinator.

A. Petitions and Public Comment:

Bob Miller, 152 Mill District – Is concerned about traffic at the bottom of water tower hill/Monroe by cedar and pine going around the block to avoid the traffic light. He would like this look at in the morning and when school is let out. City Manager Joel Dye stated he would talk with the Police Chief about this issue.

Douglas Langhorst, 309 Sherman St – He stated that Google Maps tells people to take this direction for an alternate route.

B. Communications:

1. Mayor McKenzie recognized May 7-13th as Water Week

Doug Sweeris, Utilities Director would like to have tours of the Water Plant that week to promote safe drinking water.

A motion made by Council Member Tripp and supported by Council Member Ingalsbee to recognize Water Week for May 7-13th. Motion Passed.

2. City Manager Joel Dye received a phone call from John Pahl's daughter about displaying a plaque she received of her father. Joel would like to display this at City Hall and declare John Pahl as Allegan Historian.

A motion made by Council Member Ingalsbee, supported by Council Member Leverage to declare John Pahl as Allegan Historian.

3. Saree Miller from Allegan Count Fairgrounds stated the Fair Parade would be Monday, September 11th and would like to use the Downtown Street to the Fair Grounds for the fair route and line up would start at 6pm on Water St. There will also be 6 summer concert series and requested an extension until Midnight for the noise ordinance. To help people from out of town she requested to place 4X4 signs for Fair Traffic and the Summer Concert Series, she will get locations for the City.

Western Days is June 17 & 18th; Michigan Good Sams Summer RV Rally July 13 – 16th; Cancer Walk is August 12th; Fiber Festival – Aug 16-20th

4. Lori Antkoviak, Director of Safe Harbor announced that April is Child Abuse Prevention Month and read statics on need to be aware. A Life Line Event is being held on Friday, April 21st at the Silo. She handed out Stickers to each Council Member.

Mayor McKenzie proclaimed April as Child Abuse Prevention Month.

A Motion made by Council Member Leverage supported by Council Member Morgan to declare April as Child Abuse Prevention Month. Motion Passed.

C. Hearings:

1. FY18 Annual Budget:

Mayor Pro tem Stotmeister made a motion, supported by Council Member Tripp to set the Public Hearing for May 8, 2017. Motion Passed

2. North Street Vacation:

Council Member Leverage made a motion, supported by Council Member Morgan to set the Public Hearing for April 24, 2017. Motion Passed

D. Programs:

None

E. Resolutions:

1. 17.19 Kalamazoo River Assessment

A motion made by Council Member Leverage, supported by Council Member Ingalsbee to approve resolution 17.19. Motion Passed

2. 17.20 – Perrigo Utility Service Agreement

A motion made by Mayor Pro tem Stotmeister, supported by Council Member Ingalsbee to support the Utility Service Agreement with Perrigo. Motion Passed.

F. Ordinances

1. Second Reading of Ordinance 451 of 2017: Article XVII-Zoning Ordinance 1705 Swimming Pool

Mayor McKenzie opened Public Hearing at 7:30. No Public Comment. Closed Public Comment at 7:30p.m

Council Member Leverage asked what changed. Stotmeister stated it was being brought up to state guidelines and cleaned up the language.

A motion was made by council Member Ingalsbee, supported by Stotmeister to adopt Ordinance 451 as presented. Motion passed.

2. Second Reading of Ordinance 452 Zoning Ordinance 452 of 2017: An Ordinance to Amend the Zoning Map of the City of Allegan in the Mill District from M1 Manufacturing to C1 Central Business District

Joel updated Council on the 2nd reading. That the SE part of Downtown Area that 148 & 155 Mill District area already Zoned C1. He is following what the Master Plan says.

Public Hearing opened at 7:35p.m

Public Comment:

Joe Leverage, 148 Mill District – Would like to commend the City for finally doing this. Back in 2004/05 the City and Residents wanted to go this way. Dave Sperry was working on this. The Master Plan for 2010 and 2014 still want Mixed Residential.

Douglas Langhorst, 309 Sherman – What is the section of the Park where the Damn is located currently Zoned? If it turns into a Park everything can be residential behind it on ground level.

Bob Miller, 152 Mill District – He took a drive through town and noticed seven vacant buildings downtown and he believes these are commercial zoned properties. He wonders why this is going to be rezoned to C1. Scott Taylor purchased the Imperial Carving building that was zoned M1 and gave up on improving it. Scott had a lot of interest in selling the property, but no one had the money upfront. Steve was misled when he purchased the building as the zoning map was incorrect. Bob uses his building for; warehousing, light manufacturing, snow plowing company rents out space and a small area is rented out for personal storage. When he sold 148 Mill District to Leverage's he had the building rezoned for C1 before purchase as it was Market Driven. Bob believes that the Mill District should not be rezoned and needs to be Market Driven.

Steve Brunsink, 155 Mill District – He believes retail is great, but can't have retail without manufacturing. He has doubled his growth to over 1 Million. He would bring

skilled labor jobs that pay \$15 to \$30 per hour. PCI confirmed that the building was zoned M1. He has spent \$40,000 for repairs. He pays cash and is debt free; getting a Million dollar loan is not his Philosophy. His business in the industrial park was very successful until September 11th happened, other businesses closed and he was the only one left.

Public Hearing Closed at 7:53p.m

Council Member Manning asked Steve what kind of Manufacturing he would bring to the Mill District. Steve stated it would be design manufacturing mainly auto tiered high speed systems. Mike Manning would this be on a large scale to co-exist with retail? Steve said 10,000 square foot would be manufacturing to do with welding. He is an entrepreneur, would like small condos and the 3rd Floor would be a great vendor room. What is left of the building could become a restaurant.

Mayor McKenzie how soon would this be up and running? Steve could have two 3000 square foot office spaces up and running in 60 to 90 days.

Council Member Ingalsbee – this is not a good situation, can we find a solution?

Council Member Leverage – Bob Miller’s building at 155 Mill District has a buyer looking at it. Also a restaurant can’t go into M1. Residential and M1 can’t be mixed; there are a lot of things that can happen in C1.

Council Member Manning asked if Bob Miller’s building grandfathered.

City Manager Joel Dye, Zoning goes with the building not the owner. As long as the use doesn’t change. Have Bob’s Lawyer call him.

Bob Miller believes that Council Member Leverage should abstain from the vote.

Council Member Leverage, she only needs to abstain if there was a financial gain for her.

Bob Miller thinks he should have first right of refusal to purchase.

Mayor McKenzie to abstain from a vote there would have to be a conflict of interest or personal financial gain. Council Member Leverage can vote.

Council Member Morgan – being new to this, do we have to rezone the whole district or can we just do each parcel.

Mayor Pro tem Stotmeister the building can be marketed as C1 to resell.

Council Member Ingalsbee this is not market driven.

Council Member Manning having this zoned M1 is limiting the use.

Council Member Leverage said the 2006 Master Plan wanted it to go to C1.

City Manager Joel Dye, the Master Plan calls for C1. This is State Law.

Council Member Ingalsbee the Master Plan can be changed.

City Manager Joel Dye, It is encouraged to go over Master Plan every 5 years. The Parcel numbers are listed on the report.

Council Member Tripp, 155 Mill District was already zoned to C1.

Council Member Ingalsbee and Manning agreed these are separate issues and both need to be addressed

City Manager Joel Dye not sure if the City has a zoning determination letter.

Steve Brunsink would like a variance but could take years. Mayor McKenzie said he would need to go the Zoning Board of Appeals. It would take one meeting possibly two, sixty days max.

City Manager Joel Dye, the Council would have final say on the zoning. Steve's assumption is council would go against him.

Mayor Pro tem made a motion, supported by Council Member Tripp to adopt Ordinance 452 as written. Motion passed 6-1, with Council Member Ingalsbee opposed.

Mayor McKenzie called for a short recess at 8:20p.m until 8:25p.m

Mayor McKenzie called the meeting back to order at 8:26p.m

3. Zoning Ordinance 453 of 2017: An Ordinance to Amend the Zoning Map of the City of Allegan from R1 Single Family Residential-Low Density District to R3 Multi Family Dwelling Units District

City Manager Joel Dye it is requested that City Council hold a public hearing and final reading of Ordinances 453,454,455, zoning ordinance map amendments to rezone several properties off Green and Briggs Streets from R-2 and C-3 to R-3 per the City's Master Plan.

Mayor McKenzie opened the Public Hearing at 8:26pm for Public Comment, No Public Comment. Public Hearing Closed at 8:26pm.

Council Member Ingalsbee stated this needs to be Market driven.

Mayor Pro tem made a motion, supported by Council Member Morgan to adopt Ordinance 453. Motion passed 7-0.

4. Zoning Ordinance 454 of 2017: An Ordinance to Amend the Zoning Map of the City of Allegan from R1 and C3 to R3 Multi Family Dwelling Units Districts.

Council Member Ingalsbee made a motion, supported by Council Member Tripp to adopt Ordinance 454. Motion passed 7-0.

5. Zoning Ordinance 455 of 2017: An Ordinance to Amend the Zoning Map of the City of Allegan from C3 Restricted Commercial District to R3 Multi Family Dwelling Units District

Mayor Pro tem made a motion, supported by Council Member Ingalsbee to adopt Ordinance 455. Motion Passed 7-0.

6. Zoning Ordinance 456 of 2017: Article IX-Zoning Ordinance Section 905 Exterior Storage addition.

City Manager Joel Dye, addition to a new part to regulate exterior storage. The Planning Commission reviewed this at the February Meeting.

Mayor McKenzie opened the Public Hearing at 8:32p.m

Public Comment

Douglas Langhorst 309 Sherman st, He has a garbage can stored under his steps, would he need to move this?

City Manager Joel Dye the zoning just needs to clarify. It is all how it is interpreted.

Joe Leverence 148 Mill District, The majority of the buildings downtown only has the foot print no other land. There are very few C1 buildings that will have room for this. Can buildings place their garbage cans on city property?

Mayor McKenzie closed the Public Hearing at 8:36p.m

Council Member Leverence, every property has to have garbage. Now we are telling everyone that they have to cover their garbage can.

City Manager Joel Dye, Some buildings have an internal trash room on the lower level. Not everyone uses that much garbage to need a 96 gallon container, smaller options are available.

Council Member Tripp, In Ludington they have a Central dumpster and everyone takes their garbage there.

City Manager Joel Dye, if council is ok with trash cans being on City Property. They can construct this.

Mayor McKenzie, Personal belongings out of sit.

Council Member Manning Thinks the word "Shall" need to be added.

Mayor McKenzie, This is a fantastic attempt to try and clean up how we want the City to look. We can drive down any other residential street and see "trash" stored on porches

Council Member Morgan, Are we only enforcing Garbage Cans? Mayor McKenzie clarified it is all belongings.

A motion by Mayor Pro tem Stotmeister, supported by Council Member Tripp to adopt Ordinance 456. Motion Passed 6-1, with Council Member Leverence opposed.

7. Zoning Ordinance 457 of 2017: Article IV-Zoning Ordinance 402.01 Table of Uses:

City Manager Joel Dye This is covering the Table of Uses in Zoning Ordinance. This will permit residential uses on the first floor of mixed use building in the C-1 Zoning District when the property abuts a City Park and allow residential units on all upper floors of mixed use buildings and not just on the 2nd Floor. This was discussed at the February Planning Meeting a lot of people for and against this change.

Mayor McKenzie opened the Public Hearing at 8:56p.m

Public Comment:

Carl Canales 352 Hubbard, He is looking to purchase 311 Hubbard and put his computer business on the front level and his residence on the back of the building. He will work with the HDC and the work with the Veteran's Memorial about putting a positive Mural on the back of the building for the park.

Joe Leverence 148 Mill District, Terrace levels the same as first floor level would be ok. There has been over a Million dollars invested on the Riverfront and Jim Liggett is investing a lot of money as well. We need to look down the road as this will attract Commercial businesses on the Riverfront. It needs to specify a percentage of how much needs to be residential and commercial. The Master Plan is tying the council's for the next 60 years and deterring development. 311 Hubbard is a separate building by itself and it is ok.

Douglas Langhorst 309 Sherman, they took his building for the description. The one part is unusable because an egress window is not feasible.

Mayor McKenzie Closed the Public Hearing at 9:09p.m

Council Member Ingalsbee, the market will drive what is in the building.

Council Member Leverage believes the lower level should be Commercial. Previously a business owner had an apartment on the lower level, need to limit to a select floor. Will we allow other C-1 buildings to do this?

City Manager Joel Dye, this was a recommendation from the Planning Commission as direction. This is just a starting point.

Council Member Tripp, This would allow a building that has been vacant for many years and a business owner to get a new start.

Council Member Ingalsbee made a motion, supported by Council Member Tripp to adopt Ordinance 457 of 2017: Article IV-Zoning Ordinance 402.01 Table of Uses. Motion Passed 6-1, with Council Member Leverage opposed.

G. Permits/Licenses/Agreements/Grants

None

H. Requests for Payments

None

I. Requests for Purchases, services and equipment

None

J. Reports/Minutes of Boards/Commissions

1. Planning Commission – Council Member Tripp stated everything that was just discussed in section F was the summary of the Planning commission meeting.
2. Zoning Board of Appeals – The Ropes Course/Zip Line was approved.
3. Positively Allegan – Promotions Coordinator Parker Johnson stated that the Merchants agreed to stay open until 5pm on Saturday's for the summer. Ladies night is April 21, 2017
4. Highland Business Park – Approved Plumbers and Allegan U-store.
5. Parks Commission – Council Member Manning stated there was no quorum. They received information from John Clark on disc golf. There is a book available at the library. Jim Stewart is working on an Arbor the Labyrinth. The disc golf course should be completed by the end of May.
6. Historic District Commission – Council Member Ingalsbee stated there will be major renovations for a home on Delano.
7. Airport – Council Member Manning, they discussed having Blessing of the Jeeps and Dawn Control on the same day. There is also a medical doctor that comes to the Airport for DOT and Airplane physicals.

8. EDC/BRA – City Manager Joel Dye reviewed the Original Brownfield development plan. There is a plan only written for the Perrigo Store. We need to bring in a company to rewrite this plan. The committee directed staff to sell properties and stay with the Charter boundaries.

K Approval of Payroll and Accounts:

Mayor Pro tem Stotmeister, supported by Councilmember Leverage, made a motion to approve accounts payable in the amount of \$ 147,144.01 and payroll in the amount of \$95,259.77. Motion passed. 7-0

Difference Makers Report:

Utilities Director Doug Sweeris stated the DEQ is coming to certify E.coli testing on other facilities. Currently they are licensed for their selves. Bio solids have started being hauled from the WWTP. They are hauling two loads during the day and five loads at night.

Council Comments:

Council Member Leverage – None

Council Member Morgan – None

Mayor Pro tem Stotmeister – Looking forward to Ladies Night next Friday

Council Member Manning – None

Council Member Ingalsbee – None

Council Member Tripp – Good Night

Mayor McKenzie - None

Adjournment:

Mayor McKenzie adjourned the meeting at 9:280pm

Minutes respectfully submitted by,

Danielle Bird
City Clerk