

January 25, 2016

A regular meeting of the City Council was held on Monday, January 25, 2016, at 7:00 p.m. in the Council Chambers of City Hall. Mayor Donker presided. The Pledge of Allegiance to the Flag was recited in unison.

Councilmen present: Thomas Adams, Steve Arnosky, Diane Brown Wilhelm, Maureen Donker, Marty Wazbinski

Councilmen absent: None

MINUTES

Approval of the minutes of the January 11, 2016 regular meeting and January 16, 2016 special meetings was offered by Councilman Adams and seconded by Councilman Brown Wilhelm. (Motion ADOPTED.)

2015-16 COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET AMENDMENTS

Assistant City Manager for Development Services Brad Kaye presented information on amendments to the 2015-16 Community Development Block Grant budget. A public hearing opened at 7:10 p.m., recognizing no public comments, the hearing closed at 7:10 p.m. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, on April 27, 2015, Midland City Council approved the Community Development Block Grant (CDBG) budget for fiscal year 2015-16; and

WHEREAS, the City of Midland has received \$233,381 in CDBG funds for fiscal year 2015-16 from the U.S. Department of Housing and Urban Development; and

WHEREAS, the City received \$5,000 in program income during the last fiscal year; and

WHEREAS, fiscal year 2014-15 ended with an additional \$103,087 in carry-over funding beyond what was projected at the time of budget adoption, equating to a total of \$183,327 in available fund balance; and

WHEREAS, on December 7, 2015, the Midland City Housing Commission unanimously recommended approval of the proposed amendments to the CDBG budget; and

WHEREAS, a 30-day public comment period was advertised and initiated on December 23, 2015 to provide an opportunity for public input on the proposed expenditure of said funds; and

WHEREAS, a public hearing was held by the City Council on January 25, 2016 at 7:00 p.m. in the City Council Chambers, City Hall, 333 West Ellsworth Street, Midland, Michigan, for the purpose of receiving public comment on the proposed amendments to the 2015-16 CDBG Budget; and

WHEREAS, the conditions for providing such funds require entering into a subrecipient agreement with these organizations to ensure the provision of these services to low- and moderate-income households; now therefore

RESOLVED, that the City Council hereby adopts the proposed amendments to the 2015-2016 CDBG Budget, as set forth in the attached table (Attachment A); and

RESOLVED FURTHER, that the Mayor and City Clerk are authorized to execute the subrecipient agreements, as approved by the City Attorney, on behalf of the City. (Motion ADOPTED.)

2015-16 CURRIE MUNICIPAL GOLF COURSE FUND BUDGET AMENDMENT

Assistant City Manager David Keenan presented information on an amendment to the 2015-16 Currie Municipal Golf Course Fund budget to increase revenues and expenditures by \$30,000 for tree removal and reforestation and demolition of the old driving range building and

restoration of the surrounding area. A public hearing opened at 7:15 p.m., recognizing no public comments, the hearing closed at 7:15 p.m. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm:

WHEREAS, in accord with Sections 5.11, 11.4, and 11.6 of the Charter of the City of Midland, and after having given proper legal notice, and having conducted a public hearing on Monday, January 25, 2016, on the proposal to amend the 2015/16 Currie Municipal Golf Course Fund budget to increase revenue and expenses by \$30,000 to provide budgetary authorization to spend the gifts received from the Mary C. Currie Foundation; now therefore RESOLVED, that the 2015/16 Currie Municipal Golf Course Fund budget shall be amended as discussed in the aforementioned paragraph to allow spending of the gifts received from the Mary C. Currie Foundation. (Motion ADOPTED.)

PUBLIC COMMENTS

No public comments were made.

COMPREHENSIVE ANNUAL FINANCIAL REPORT AND SINGLE AUDIT REPORT

Assistant City Manager David Keenan presented for receipt and filing the Comprehensive Annual Financial Report and Single Audit Report for the year ended June 30, 2015. Jamie Rivette, principal with Yeo and Yeo CPAs, presented the report. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Wazbinski:

RESOLVED, that the Comprehensive Annual Financial Report and the Single Audit Report of the City of Midland for the year ended June 30, 2015 are hereby received and ordered filed for public examination. (Motion ADOPTED.)

LOCKWOOD DEVELOPMENT PILOT REQUEST – BRACKEN WOODS APTS

Assistant City Manager David Keenan presented information on a request for a Payment in Lieu of Taxes (PILOT) from Lockwood Development and referring request to the Housing Commission for study and recommendation. Mark Lockwood of Lockwood Development presented information regarding the request. Gary Heidel, Chief Placemaking Officer with the Michigan State Housing Development Agency (MSHDA) spoke regarding the pilot request. Tom Edmiston, Senior Vice President of Cinnaire, also spoke regarding the project. Speaking in opposition were: Annamarie Morgan, Fournie Street, President of Midland Area Real Estate Investment Association (MAREIA) and John Popp, business and property owner. Speaking in favor were: Ron Parmele, 5415 Wallbridge Lane. Linda Barth, 3116 Washington, Midland Realtor and property owner, spoke in support of affordable housing projects but raised concerns for property owners who rent to low income families. The following resolution was then offered by Councilman Adams and seconded by Councilman Wazbinski:

WHEREAS, the City has received a request for a Payment In Lieu of Taxes (PILOT) from Mark Lockwood of Lockwood Development to facilitate the purchase and rehabilitation of the existing PILOT project know as Bracken Woods Apartments; and

WHEREAS, Act 3436 of the Michigan State Housing Development Authority (MSHDA) Act of 1966 and Article XIII, Section 2-260 of the City of Midland Code of Ordinances recognize the importance of PILOTs as a toll to facilitate affordable housing for persons of low and moderate income; and

WHEREAS, City Council has previously granted PILOT exemptions to projects that meet MSHDA requirements, and additional criteria as adopted by City Council on April 14, 2003; and

WHEREAS, on November 22, 2010, City Council received and filed a report from Staff that recommends that no assignment, refinancing, or sale would be permitted without submission of

a new PILOT application, and said application should be submitted directly to City Council for initial acceptance and referral to the Housing Commission for study and recommendation; now therefore

RESOLVED, that the PILOT request from Lockwood Development to facilitate the purchase and rehabilitation of the property known as Bracken Woods Apartments is hereby accepted and referred to the Housing Commission for study and recommendation. (Motion ADOPTED.)

Council recessed from 10:10 p.m. to 10:17 p.m.

2016-17 CONSTRUCTION PROJECT PRIORITIES REPORT

City Engineer Brian McManus presented for receipt and filing the 2016-17 Construction Project Priorities Report. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, a report has been received from the City Engineer listing the proposed construction projects for 2016-2017 which includes projects petitioned by property owners, projects recommended by the City Administration and others; and

WHEREAS, City Council has reviewed the proposed construction projects list and received comments from interested citizens; now therefore

RESOLVED, that City Council hereby approves said proposed construction project listing for 2016-2017 and directs the City Administration to include funding requests for the proposed projects in the 2016-2017 budget; and

RESOLVED FURTHER, that the report is hereby directed to be placed on file in the City Clerk's Office and at the Grace A. Dow Memorial Library and a map of the projects be placed in the lobby of Midland City Hall. (Motion ADOPTED.)

2016 CITY COUNCIL PLANNING RETREAT

City Manager Jon Lynch presented for receipt and filing the staff report to City Council regarding the outcome of the 2016 City Council Planning Retreat. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

WHEREAS, on January 16, 2016 the City Council conducted a planning retreat for the purpose of discussing current and future financial concerns; and

WHEREAS, at the conclusion of that session Council expressed their expectations regarding the basic approach to be taken in developing the Fiscal Year 2016-2017 budget; and

WHEREAS, during that meeting, the City Council reviewed and affirmed those expectations embodied in a report of January 18, 2016 titled: *City Council Budget Objectives for FY 16-17*; now therefore

RESOLVED, that the report *City Council Budget Objectives for FY 16-17* is hereby received. (Motion ADOPTED.)

FIRE STATION 1 RENOVATIONS

The following resolution was offered by Councilman Adams and seconded by Councilman Brown Wilhelm:

WHEREAS, funds have been given to the Fire Department from The Herbert H. and Grace A. Dow Foundations for infrastructure improvements; and

WHEREAS, sealed bids for renovations at Fire Stations 1 and 3 have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances, Bid No. 3732; and

WHEREAS, funding is adequate for only renovations for Fire Station 1; and

WHEREAS, funding has been budgeted for this purpose in the 2015/16 Fire Department Capital Budget Item, Account # 101-3320-97-020 (Buildings and Additions); now therefore RESOLVED, that the low qualifying bid from Three Rivers Corporation of Midland, Michigan in the amount of \$639,550.00 with a contingency sum of \$31,977.50 for unanticipated expenses is accepted and that a purchase order for renovations of Fire Station 1 by Three Rivers Corporation is authorized. (Motion ADOPTED.)

2016 SURFACE TREATMENT & CRACK SEALING PROGRAM

The following resolution was offered by Councilman Adams and seconded by Councilman Brown Wilhelm:

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for the surface treatment and crack sealing of local and major streets; and

WHEREAS, funding for this project is provided by the Major and Local Street Funds; now therefore

RESOLVED, that the low sealed proposal with adjusted quantities submitted by Highway Maintenance & Construction Company, Inc. of Romulus, Michigan for the "2016 Surface Treatment & Crack Sealing Program; Contract No. 4", in the amount of \$665,000 based upon current funding levels is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and

RESOLVED FURTHER, that the City Manager has the authority to approve any change orders modifying or altering this contract in an aggregate amount not to exceed \$20,000. (Motion ADOPTED.)

2016 BLARNEY AND LEEWAY DRIVE RECONSTRUCTION

The following resolution was offered by Councilman Adams and seconded by Councilman Brown Wilhelm:

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for reconstruction, including water main, of Blarney Drive from Sturgeon Creek Parkway to Leeway Drive and for the reconstruction, including water main, of Leeway Drive from Moorland Drive to the end of street; and

WHEREAS, funding for this project is provided by the Local Street Fund and the Water Fund; now therefore

RESOLVED, that the low sealed proposal submitted by Shaw Contracting Co. of Bay City, Michigan, for the "2016 Blarney and Leeway Dr. Reconstruction; Contract No. 05", in the indicated amount of \$378,090.00, based upon City estimated quantities is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and

RESOLVED FURTHER, that the City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$20,000.00. (Motion ADOPTED.)

CONDITIONAL USE PERMIT NO. 56

The following resolution was offered by Councilman Adams and seconded by Councilman Brown Wilhelm:

WHEREAS, Midland County Habitat for Humanity submitted a request for a conditional land use permit for a single family dwelling in a RB Multiple-Family Residential zoning district, located at 309 Sam Street; and

WHEREAS, the City Planning Commission has conducted a public hearing in accord with Section 28.02(A) of the Zoning Ordinance of the City of Midland on said conditional use; and WHEREAS, the Planning Commission has submitted its recommendation of approval, in accord with Section 28.02(B) of the Zoning Ordinance of the City of Midland; now therefore RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on February 15, 2016, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the request for a conditional use permit; and RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners and occupants within three hundred (300) feet of the area proposed by transmitting notice on or before January 29, 2016 and to publish said notice on January 30, 2016. (Motion ADOPTED.)

Being no further business the meeting adjourned at 11:10 p.m.

Selina Tisdale, City Clerk