

September 12, 2022

A regular meeting of the City Council was held on Monday, September 12, 2022, 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: Steve Arnosky, Diane Brown Wilhelm, Maureen Donker, Pamela Hall,
Councilmen absent: Marty Wazbinski

MINUTES

Approval of the minutes of the August 22, 2022 regular meeting were then offered by Councilman Arnosky and seconded by Councilman Hall. (Motion ADOPTED.)

CITY OF PEACE DAY

Community Affairs Director Selina Tisdale introduced Gail Hoffman of the Nonviolent Peaceforce Midland Chapter, who was issued a proclamation by Mayor Donker. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Hall:

RESOLVED, that the Mayor is authorized to issue the attached proclamation naming September 24, 2022 City of Peace Day in the City of Midland. (Motion ADOPTED.)

CONSTITUTION WEEK

Community Affairs Director Selina Tisdale introduced Nancy Pnacek of the John Alden chapter of DAR, who was issued a proclamation by Mayor Donker. The following resolution was then offered by Councilman Hall and seconded by Councilman Brown Wilhelm:

RESOLVED, that the Mayor is authorized to issue the attached proclamation designating the week of September 17 – 23, 2022 as Constitution Week in the city of Midland to encourage all citizens to study the Constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves. (Motion ADOPTED.)

COMMUNITY RESPONDING TO OVERCOME POVERTY & CROP HUNGER WALK

Community Affairs Director Selina Tisdale introduced Renee Castellon of the Midland Area CROP Hunger Walk, who was issued a proclamation by Mayor Donker. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

RESOLVED, that the Mayor is authorized to issue the attached proclamation recognizing Midland as a Community Responding to Overcome Poverty (CROP) and encouraging participation in the Midland Area CROP Hunger Walk on October 2, 2022. (Motion ADOPTED.)

ZONING PETITION NO. 640

Director of Planning & Community Development Jacob Kain presented regarding Zoning Petition No. 640. A public hearing opened at 7:42 p.m., Ben Rybicki of MLR Engineering spoke on behalf of the petitioner, John Lynn 4604 Oakridge Dr., David Rapanos 16 Pinehaven Cir., John Elsen 6106 Sturgeon Creek Pkwy., and Karl Kamena 5616 Pine meadow Dr. commented on the petition, the public hearing closed at 8:02 p.m. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Mayor Donker.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO

REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE RC – REGIONAL COMMERCIAL, RA-4 SINGLE FAMILY AND TWO FAMILY, AND RA-1 SINGLE FAMILY DISTRICTS WHERE TOWNSHIP ZONING DISTRICTS PRESENTLY EXIST.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

PART OF THE NORTHWEST 1 / 4 AND SOUTHWEST 1 / 4, SECTION 1, T14N -R01 E, HOMER TOWNSHIP, MIDLAND COUNTY, MICHIGAN. BEING FURTHER DESCRIBED AS COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 1; THENCE ALONG THE WEST SECTION LINE N00°11' 45"E, 791.89' TO THE POINT OF BEGINNING; THENCE CONTINUING N00°11' 45"E, 50.00'; THENCE ALONG THE NORTH RIGHT-OF-WAY OF HERBERT ROAD S89°31'57"E, 462.01'; THENCE N00°11' 45"E, 216.26'; THENCE N89°31'57"W, 132.00'; THENCE N00°11' 45"E, 85.00'; THENCE N00°11' 45"E, 34.67'; THENCE N00°11' 45"E, 59. 98'; THENCE N00°11' 45"E, 104. 72'; THENCE N89°31' 57"W, 330.00'; THENCE N00°11' 45"E, 72.00'; THENCE S89°31'57"E, 330.00'; THENCE N00°11' 45"E, 374.57'; THENCE S89°31' 57"E, 97.00'; THENCE S89°30'00"E, 19. 99'; THENCE S89°32'00"E, 877.47'; THENCE S00°21' 27"W, 469.66'; THENCE S89°41'11 "E, 923.80'; THENCE S00°29'20"W, 1323.24' TO THE EAST-WEST 1/4 LINE; THENCE ALONG THE EAST-WEST 1/4 LINE N89°30'53"W, 921.82' TO A FOUND PIPE WITH CAP #29241; THENCE CONTINUING ALONG THE EAST- WEST 1 / 4 LINE N89°29'12"W, 211.81'; THENCE S33°15'23"W, 161.69' TO THE NORTHERLY RIGHT-OF-WAY OF SAGINAW ROAD; THENCE ALONG SAID RIGHT-OF-WAY N56°43'14"W, 210.06'; THENCE N30°48'42"E, 266.24'; THENCE N89°48'15"W, 211.00'; THENCE S00°11' 45"W, 180.00' TO THE NORTHERLY RIGHT-OF-WAY OF SAGINAW ROAD; THENCE ALONG SAID RIGHT-OF-WAY N56°43'14"W, 403. 78'; THENCE N00°11' 45"E, 415.30'; THENCE S89°31' 57"E, 221.37'; THENCE N00°11' 45"E, 132.00'; THENCE ALONG THE SOUTH RIGHT-OF-WAY OF HERBERT ROAD N89°31'57"W, 649.99' TO THE POINT OF BEGINNING. EXCEPT PARCELS 040-001-200-390-00 AND 040-001-200-400-00 BEING DESCRIBED AS:

PART OF THE NORTHWEST 1 / 4 SECTION 1, T14N - R01 E, HOMER TOWNSHIP, MIDLAND COUNTY, MICHIGAN. BEING FURTHER DESCRIBED AS COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 1; THENCE ALONG THE WEST SECTION LINE S00°11' 45"W, 1608. 94; THENCE PERPENDICULAR TO SAID WEST SECTION LINE, S89° 45'15"E, 514.00' TO THE POINT OF BEGINNING; THENCE N00° 11' 45"E, 132.00'; THENCE S89° 48'15"E, 132.00'; THENCE S00° 11' 45"W, 132.00'; THENCE N89° 48'15"E, 132.00' TO THE POINT OF BEGINNING.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication.

Following Council discussion, Councilman Arnosky moved to table the item until September 26, 2022, seconded by Councilman Hall (Motion ADOPTED.)

2022-23 GENERAL FUND BUDGET AMENDMENT

Director of Planning & Community Development Jacob Kain presented regarding the proposed budget amendment for FEMA consulting Services. A public hearing opened at 8:29 p.m., hearing no public comments, the public hearing closed at 8:30 p.m. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm.

WHEREAS, the City has been awarded a Hazard Mitigation Program Grant in the amount of \$3,862,021.50 from the Federal Emergency Management Agency; and
WHEREAS, professional services are essential to the successful implementation of this grant; and
WHEREAS, the City is under contract with CSRS to provide these services; and
WHEREAS, expenses up to \$214,607 are fully reimbursable by the Federal Emergency Management Agency; and
WHEREAS, it is necessary to amend the FY 2022-23 Planning budget to include revenues and expenditures in the amount of \$214,607; and
WHEREAS, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing was conducted on September 12, 2022 at 7:00 p.m. in the City Council Chambers, City Hall, 333 West Ellsworth Street, Midland, Michigan, on the proposal to amend the FY 2022-23 Planning budget by increasing revenues and expenditures by \$214,607 to provide adequate budgetary authorization for the services; now therefore
RESOLVED, that the FY 2022-23 Planning budget is hereby amended to increase revenues and expenditures by \$214,607 to provide adequate budgetary authorization for the services. (Motion ADOPTED.)

2022-23 MAJOR STREET FUND AND LOCAL STREET FUND BUDGET AMENDMENT

City Engineer Matt Lemon presented regarding the 2022-23 Major Street Fund and Local Street Fund budget amendment to provide adequate budgetary authorization for 2022-23 Concept 5 project costs. A public hearing opened at 8:33 p.m., John Lynn 4604 Oakridge Dr. commented on the amendment, the public hearing closed at 8:35 p.m. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm.

WHEREAS, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing was conducted on Monday, September 12, 2022, in the Council Chambers of City Hall, on the proposal to amend the 2022-23 Major Street Fund and Local Street Fund budgets by increasing construction expenditures in each of the funds by \$55,000 and \$240,000, respectively, to provide adequate budgetary authorization for the 2022-23 Concept 5 project costs, now therefore
RESOLVED, that construction expenditures in the 2022-23 Major Street Fund budget shall be increased by \$55,000 and construction expenditures in the 2022-23 Local Street Fund budget shall be increased by \$240,000 to provide adequate budgetary authorization for the 2022-23 Concept 5 project costs. (Motion ADOPTED.)

PUBLIC COMMENT

No public comments were made.

FEDERAL TRANSPORTATION ALTERNATIVES PROGRAM GRANT

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky.

WHEREAS, Dial-A-Ride has researched the option of adding bicycle racks to each of the fourteen buses in the fleet; and
WHEREAS, the Dial-A-Ride Manager has identified a grant funding opportunity through the federal Transportation Alternatives Program; and
WHEREAS, the Dial-A-Ride Manager has prepared a detailed report supporting the addition of the bicycle racks to the buses and is ready to submit a grant application to the Transportation Alternatives Program for funding of fourteen two-position bicycle racks; and
WHEREAS, the proposed grant will provide 80% federal funding with a 20% match provided by the State of Michigan for the purchase of fourteen bicycle racks; now therefore

RESOLVED, that the City Council hereby supports the grant application to the Transportation Alternatives Program in the amount of \$32,000 for the purchase of fourteen bicycle racks. (Motion ADOPTED.)

PARKS AND RECREATION COMMISSION RESIGNATION

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky.

RESOLVED, that the resignation of Weikang Ken Wang as a member of the Parks and Recreation Commission is hereby accepted effective immediately, and the Administration is directed to convey the Council's appreciation to Mr. Wang for his service on this important Commission; and

RESOLVED FURTHER, that City staff is directed to begin disseminating information regarding the Parks and Recreation Commission vacancy. (Motion ADOPTED.)

LIBRARY BOARD APPOINTMENT

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky.

WHEREAS, the Grace A. Dow Memorial Library Advisory Board is comprised of 7 members including a Midland Public Schools representative; and

WHEREAS, the Midland Public School representative position was made vacant on February 28, 2022; and

WHEREAS, the Midland Public School Superintendent and Media Specialist Administrator recommended and support Northeast Middle School Librarian, Alicia Allen to represent MPS; now therefore

RESOLVED, that Alicia Allen is hereby appointed as the Midland Public School (MPS) representative of the Library Board for an unexpired term ending June 30, 2025. (Motion ADOPTED.)

CURRIE BRIDGE CONTRACT AWARD

City Engineer Matt Lemon presented regarding the contract award for inspection services for the Currie Bridge and Currie Parkway project. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Donker.

WHEREAS, City Council previously accepted a gift of funds to restore the Currie Bridge to a safe state to open to vehicular traffic, with the acknowledgement that the City would fund the necessary inspection services; and

WHEREAS, the City's on-call bridge consulting engineering firm, Great Lakes Engineering Group, LLC has provided a proposal for the necessary inspection services related to the fabrication of steel members, construction along and adjacent to and associated with the Currie Bridge, and the required post-construction safety inspections; and

WHEREAS, the Rollin M. Gerstacker Foundation has requested an additional \$65,000.00 in funding be allocated to this project by the City of Midland due to cost increases from the original cost estimates; and

WHEREAS, the total financial commitment required from the City still remains below that which would have been required to restore the Currie Bridge to a safe state for pedestrian traffic only; and

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

RESOLVED, that the proposal submitted by Great Lakes Engineering Group, LLC for "Currie Bridge and Currie Parkway Inspection Services", in the amount of \$82,321.70, is hereby accepted and the Mayor and the City Clerk, subject to document approval by City Attorney are authorized to execute a contract therefore in accord with the proposal; 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 \$10,000.00; and RESOLVED FURTHER that the City allocate a total of \$110,000 in funding towards the restoration work, comprised of \$45,000.00 from a previous settlement and \$65,000.00 in additional funding to partially cover increased project costs. (Motion ADOPTED.)

PURCHASE OF POLICE PATROL AND COMMUNITY RELATIONS VEHICLES

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky.

WHEREAS, competitive bids for light duty vehicles are solicited by the Macomb County Cooperative Purchasing Program on a bi-annual basis and the City of Midland is authorized to make purchases from this cooperative purchasing program; and

WHEREAS, sufficient funding for the purchase of two Police patrol cars and one Police community relations vehicle are included in the FY 2022-23 Equipment Revolving Fund Capital Outlay account as replacements for existing aging, high maintenance units utilized by the Police Department; now therefore

RESOLVED, that the Accounting Manager is authorized to issue a purchase order to Macomb County's selected vendor, Signature Ford of Owosso, Michigan, in the amount of \$133,038.00 for the purchase of two Police patrol cars and one Police community relations vehicle, all in accordance with the associated cooperative purchasing program's proposals and specifications. (Motion ADOPTED.)

SET PUBLIC HEARING TO APPROVE CONDITIONAL USE PERMIT NO. 77

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky.

WHEREAS, The Legacy Center for Community Success submitted a request for a conditional land use to permit a non-profit social service agency located at 2417 Abbott Road; and

WHEREAS, City Planning Department staff notified property owners and occupants within three hundred (300) feet of the proposed area by transmitting notice on August 5, 2022 and publishing said notice on August 6, 2022 of the proposed public hearing on August 23, 2022; 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 to approve the permit, in accord with Section 28.02(B) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that a public hearing will be held by the City Council on October 10, 2022, 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 proposed area by transmitting notice on or before September 23, 2022 and to publish said notice by September 23, 2022. (Motion ADOPTED.)

Being no further business the meeting adjourned at 9:01 p.m.

Lacey Todd, City Clerk