

REGULAR MINUTES
PERE MARQUETTE DEPOT
Tuesday, October 7, 2008

A meeting of the City Council of the City of Belding, Michigan was convened in open and public session at 7:00 p.m. on Tuesday, October 7, 2008.

The City Clerk took the roll call:

Members Present: Council Members Bunce, Stout, Wills, Satterlee and Husted.

Members Absent: None.

Council Member Stout delivered the invocation.

The Mayor led the audience in the Pledge of Allegiance.

The Mayor called for the City Manager's Report – noted and filed.

Council Member Stout suggested having a form letter for political campaigns to make them aware of the criteria in advance. It would avoid miscommunication.

The Mayor called for the Consent Agenda.

- A. APPROVAL OF MINUTES 9-16-08
- B. PROPERTY MAINTENANCE CODE BOARD OF APPEALS – DAVE MIERENDORF
- C. DART – RTAP AGREEMENT – FY/09
- D. PLANNING COMMISSION APPOINTMENT – LIZ WILSON
- E. CHARTER COMMUNICATIONS – LETTER OF UNDERSTANDING
- F. USE OF CITY STREETS – CANDLESTONE RUN

Council Member Stout made a motion to approve the consent agenda, supported by Council Member Bunce.

The question on the motion was called and the result of the voting is as follows:

Ayes: Council Members Bunce, Stout, Wills, Satterlee and Husted.

Nays: None.

Following are the resolutions contained in the Consent Agenda.

- B. PROPERTY MAINTENANCE CODE BOARD OF APPEALS – DAVE MIERENDORF**

RESOLUTION NO. 2008-10-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN
APPOINTING DAVID MIERENDORF TO THE PROPERTY MAINTENANCE CODE
BOARD OF APPEALS.

WHEREAS, the term of office of David Mierendorf on the Property Maintenance Code Board of Appeals has expired; and

WHEREAS, Mr. Mierendorf has indicated his willingness to serve another term on the board.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that David Mierendorf be appointed to the Property Maintenance Code Board of Appeals with a term to expire on October 7, 2011.

C. DART – RTAP AGREEMENT – FY/09

RESOLUTION NO. 2008-10-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN
APPROVING THE THIRD PARTY CONTRACT BETWEEN THE CITY OF BELDING,
DIAL-A-RIDE, AND THE MICHIGAN PUBLIC TRANSIT ASSOCIATION.

WHEREAS, the City of Belding, Dial-A-Ride desires to enter into a third party agreement with the Michigan Public Transit Association, allowing us to access RTAP funding for fiscal year 2009; and,

WHEREAS, the duration of the contract will be October 1st, 2008 through September 30th, 2009, for a maximum amount of \$4,000.00; and,

WHEREAS, the City of Belding agrees to adhere to the conditions stated in the contract agreement with the Michigan Public Transit Association; and,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that the third party agreement between the City of Belding, Dial-A-Ride, and the Michigan Public Transit Association.

BE IT FURTHER RESOLVED the City Mayor of the City of Belding is hereby authorized to sign the third party agreement between the City of Belding, Dial-A-Ride, and the Michigan Public Transit Association.

D. PLANNING COMMISSION APPOINTMENT – LIZ WILSON

RESOLUTION NO. 2008-10-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN
APPOINTING ELIZABETH WILSON TO THE PLANNING COMMISSION.

WHEREAS, the term of office of Elizabeth Wilson on the Planning Commission has expired;

and

WHEREAS, Mrs. Wilson has indicated that she is interested in serving another term on the commission.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that Elizabeth Wilson be appointed to the Planning Commission with a term to expire on October 7, 2011.

E. CHARTER COMMUNICATIONS – LETTER OF UNDERSTANDING

RESOLUTION NO. 2008-10-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN APPROVING A LETTER OF UNDERSTANDING WITH CHARTER COMMUNICATIONS.

WHEREAS, CC Michigan, LLC d/B/A Charter Communications has a franchise agreement with the City of Belding; and

WHEREAS, an amendment to the franchise is necessary to allow for the transition of the public, educational and government (“PEG”) channels to a digital format, ensuring that the PEG channels remain viable and on the air; and

WHEREAS, the changes to the franchise are outlined in a Letter of Understanding dated September 10, 2008.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Belding, Michigan hereby approves the changes to the franchise with Charter Communications reflected in the attached agreement and directs the city manager to sign and deliver the same.

F. USE OF CITY STREETS – CANDLESTONE RUN

RESOLUTION NO. 2008-10-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN GRANTING PERMISSION TO THE CANDLESTONE GOLF AND RESORT FOR THE USE OF CITY STREETS FOR THE FIRST ANNUAL “EVERY STRIDE 5K/10K” RACE.

WHEREAS, the Candlestone Golf and Resort requests permission from the City of Belding for the use of the following streets and pathways for the “Every Stride 5K/10K” race on Saturday, October 25, 2008:

M-91 to Ellis, Root, Reed, Ashfield, Main, Bridge, Central Riverside Park pathway, Gibson, Main, pathway at Water and Main, to Demorest Field on Pathway, to Ellis west to the golf course.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that permission is hereby granted to the Candlestone Golf and Resort for the use of city streets and pathways for the “Every Stride 5K/10K” race on October 25, 2008.

The Mayor called for Business Agenda Item **A – REZONING – 113 W. STATE – ADOPTION**

The City Clerk read the preamble to the ordinance.

Council Member Wills moved the adoption of the ordinance and the motion was supported by Council Member Stout.

ORDINANCE NO. 452-A13

AN ORDINANCE TO AMEND THE CITY ZONING MAP OF THE CITY OF BELDING MICHIGAN, INCORPORATED IN THE ZONING ORDINANCE OF THE CITY OF BELDING (BELDING ORDINANCE NUMBER 452) BY SECTION 3.2, OF THE BELDING CITY CODE.

THE CITY OF BELDING ORDAINS

SECTION 1 The Zoning Map incorporated in the Zoning Ordinance of the City of Belding by Section 3.2, of the Belding City Code is amended as follows:

The property rezoned from R-2 (Single Family Residential) to B-2 (General Business) is legally described as:

CITY OF BELDING FAIRHOME ADDN LOT 4

Location: 113 W. State, Belding, Michigan.

SECTION 2 All other parts of the zoning map and zoning ordinance are affirmed and shall remain unchanged.

SECTION 3 A copy of this Ordinance shall be filed with the Ionia County Register of Deeds.

SECTION 4 This Ordinance shall be published as provided in the City Charter and shall become effective ten (10) days after publication.

Roy Cullison, 121 W. State, stated that he lives next to the property and is not against Wesco. He is concerned with the noise, barriers, employees taking property, and parking on his property. He wanted to have the cars towed. They mowed the front, but have not mowed the back. He is concerned if they put in a parking lot or have a store addition, it would move things back. WESCO has been using the driveway now for employee parking. The employees stated they were told they could take some flowers.

Council Member Stout stated that there were two separate issues, zoning and site plans - conformance. On the Master Plan, the property was shown for some business use. He understands the concerns of the property owners. The mowing issues can be addressed.

Mr. Calella stated they would discuss the parking and delivery issues tomorrow.

Mayor Husted stated that Mr. Calella would want to come to the Planning Commission in the future. The neighbors may be unhappy in the neighborhood. As mayor, he may start to receive calls. He asked Mr. Calella to become a good neighbor.

The question on the ordinance was called and the result of the voting is as follows:

Ayes: Council Members Bunce, Stout, Wills, Satterlee and Husted.
Nays: None.

The Mayor called for Business Agenda Item **B – REZONING – VFW – FIRST READING**

ORDINANCE NO. 452-A14

AN ORDINANCE TO AMEND THE CITY ZONING MAP OF THE CITY OF BELDING MICHIGAN, INCORPORATED IN THE ZONING ORDINANCE OF THE CITY OF BELDING (BELDING ORDINANCE NUMBER 452) BY SECTION 3.2, OF THE BELDING CITY CODE.

THE CITY OF BELDING ORDAINS

SECTION 1 The Zoning Map incorporated in the Zoning Ordinance of the City of Belding by Section 3.2, of the Belding City Code is amended as follows:

The property rezoned from B-2 (General Business District) to B-1 (Community Business District) is legally described as:

CITY OF BELDING SUPV MOONS PLAT – PT LOT 200 BEG AT A PT ON W LN SD LOT 200 N 400 FT FR SW COR LOT 57 SD PLAT (E LN BRIDGE ST), TH NELY ALG ARC CURVE LEFT 242.47 FT, SD CURVE LONG CHORD N 76D 25'57" E 242.02 FT, TH ?19D 35'3" W 28 FT, TH SWLY ALG ARC CURVE RT 232.79 FT TO E LN BRIDGE ST, SD CURVE LONG CHORD S 76D 20'10" W 232.38 FT & RAD 1126.3 FT, TH S 28.26 FT TO POB...

Location: 114 N. Bridge, Belding, Michigan.

SECTION 2 All other parts of the zoning map and zoning ordinance are affirmed and shall remain unchanged.

SECTION 3 A copy of this Ordinance shall be filed with the Ionia County Register of Deeds.

SECTION 4 This Ordinance shall be published as provided in the City Charter and shall

become effective ten (10) days after publication.

Council Member Stout asked, if they have areas zoned B-2 across the river, would the situation happen again?

Zoning Administrator May stated that it would as they are non-conforming.

Council Member Stout stated when they look at the updated Master Plan, areas like that should be addressed.

Zoning Administrator May stated they looked at it during the Master Plan process.

The Mayor called for Business Agenda Item C – **BUDGET AMENDMENTS FY 2008-09**

The City Clerk read the preamble to the resolution.

Council Member Stout moved the passage of the resolution and the motion was supported by Council Member Satterlee.

RESOLUTION NO. 2008-10-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN
AMENDING THE FISCAL YEAR 2008/09 BUDGET.

WHEREAS, on the 20th day of May, 2008, the Council of the City of Belding, Michigan adopted its 2008/09 Fiscal Year Budget for the administration of all funds and activities; and,

WHEREAS, unanticipated revenues and expenditures are projected which may exceed budget appropriations listed in said budget; and,

WHEREAS, the Fiscal Year 2008/09 Budget must be changed to reflect these adjustments;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that the Fiscal Year 2008/09 Budget be amended pursuant to the attached worksheet.

The question on the resolution was called and the result of the voting is as follows:

Ayes: Council Members Bunce, Stout, Wills, Satterlee and Husted.
Nays: None.

The Mayor called for Citizen Comments.

Lynn Mason, Ionia County Commissioner, stated the commission is just getting started with the budget process. There was an approximate \$100,000 deficit for 2008. After cuts, there is still

about a \$300,000 deficit for the 2009 budget. They will be having some discussion. They are talking about fees and interest. They closed on a 425 Agreement for the Animal Shelter. The county traded property with Sparrow, who will be building a medical facility in the future. They hope to have a new shelter in the near future. The website is very close to being completed. She sits on three committees: Substance Abuse, Veteran's Concerns, and the Rails to Trails Commission which includes Clinton, Ionia and Shiawassee Counties.

Debra Bach, Otisco Township, stated that she was running for Ionia County Commissioner. She is the current school board president for BAS. She has been serving on that board for nine years. They have accomplished a lot on the board and have been fiscally responsible. She understands the area and the issues. She wants to represent the community.

The Mayor called for Council Comments.

Council Members Satterlee, Bunce and Stout had no comments.

Council Member Wills asked if the city manager had a timetable, as he received the assessment on the silk mills?

City Manager DeBruine stated that Gene was preparing a scope of services. He is anxious to move ahead.

Council Member Wills inquired about the status of the Italian restaurant on M-44.

Zoning Administrator May stated that it would be opening next week.

Mayor Husted inquired about the audit presentation.

Finance Director Andres stated it would occur at the next meeting.

The Mayor called for a motion to adjourn the meeting.

ADJOURNMENT

Council Member Stout moved to adjourn the meeting, supported by Council Member Wills.

Ayes: Council Members Bunce, Stout, Wills, Satterlee and Husted.
Nays: None.

Mayor Husted adjourned the meeting at 7:35 p.m.

Shane T. Husted, Mayor

Kareen J. Thomas, City Clerk