

REGULAR MEETING OF THE BUCHANAN CITY COMMISSION
MONDAY, JUNE 27, 2022 – 7:00 PM
CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI

MINUTES

THE COMMISSION OF THE CITY OF BUCHANAN, in compliance with Michigan’s Open Meetings Act, hereby gives notice of a regular meeting of the Buchanan City Commission to be held in the Chamber of City Hall.

** Requests to be added to the agenda as a “Scheduled Matter from the Floor” should be submitted in writing to the City Clerk at least 5 business days prior to the scheduled meeting during which the speaker wishes to appear, and the approval of such requests remain within the discretion of the Mayor. If denied, the speaker may nonetheless speak during the “non-agenda items only” public comments section of the agenda.*

** Those who are unable to appear during a meeting but who still wish to share public comment may submit such comments in written form to the City Clerk at least 4 hours in advance of the meeting.*

** Individuals with disabilities may request necessary reasonable accommodations by submitting requests to the City Clerk, preferably at least 24 hours in advance.*

** Written requests and comments may be submitted to the City Clerk either in person or via mail to Buchanan City Hall, 302 N. Redbud Trail, Buchanan, MI 49107, or via email to clerk@cityofbuchanan.com*

I. Call to Order

Meeting was called to order by Mayor Denison at 7:00 PM.

II. Recognition

III. Pledge of Allegiance

Mayor Denison led in the Pledge of Allegiance.

IV. Roll Call

Present: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Cameron Downey, Commissioner Larry Money, Commissioner Patrick Swem

City Staff: City Manager, Heather Grace; Community Development Director, Rich Murphy; City Clerk, Kalla Langston; Chamber Executive Director/Main Street Manager, Ashley Regal; Director of Public Services, Mike Baker; Acting Chief Harvey Burnett; Director of Public Safety Tim Ganus.

V. Approve Agenda

Motion made by Weedon, seconded by Downey to approve the agenda as presented. Roll call vote carries unanimously.

VI. Public Comment - Agenda Items Only (3-minute limit)

Norma Ferris: The meeting referring to Front Street, she would like to know when the project will begin and end.

Dan Vigansky; Disappointed in the control the commission has given up as a board. Concerned if BARB has anything to do with the pavilion on the northside, does not believe they should be expanding and building when the other parks are neglected. Concerned with protocols not being followed, not agreeing with things, the Commission is doing.

VII. Consent Agenda (can be approved all in one motion, for general housekeeping items)

A. Consider approving minutes from June 8th, 2022, Special Meeting Minutes.

B. Consider approving minutes from June 8th, 2022, Closed Session Minutes.

- C. Consider approving minutes from June 13th, 2022, Regular Meeting Minutes.
- D. Consider approving minutes from June 15, 2022, Special Meeting Minutes.
- E. Consider approving expenditures for June 27th, 2022, in the amount of \$416,698.49
- F. Consider street closure from Days Ave to Central Ct. on July 3rd, 2022, from 11 AM-8 PM for Lyla Grace Corp. non-profit event.

Motion made by Money, seconded by Downey to approve the consent agenda as presented. Roll call vote carries unanimously.

VIII. Scheduled Matters from the Floor *(if any)*

- A. SMCAS Ambulance Board- SMCAS (Southwest Michigan Community Ambulance Service) Director Brian Scribner will present to the Commission regarding an upcoming request for SMCAS funding approvals needed to continue the current provision of ambulance service within the City. (Item was tabled the last meeting)

Scribner was able to answer some of the previous questions commissioners had at the last meeting.

Motion made by Weedon, seconded by Swem to approve the SMACS funding resolutions as presented. Roll call vote carries unanimously.

- B. Buchanan Preservation Society- Beth Murphy & Peter Lysy

1) Discussion about the deterioration and collapse of portions of the mill race wall, west of Oak St., BPS would like to be involved in planning the repair.

Murphy and Lysy wanted to bring the deterioration and collapse of the mill race wall. The BPS wants to be involved on the replacement of the mill race wall. The water is still flowing but over time it's going to slow. The Preservation Society is hoping to work with the city on this project.

Motion made by Money, seconded by Downey to authorize the City Administration to work with the Buchanan Preservation Society to develop a plan relating to the repair and preservation of the mill race wall west of Oak Street. Roll call vote carries unanimously.

IX. Reports by: Departments, Committees, Boards

- A. Community Development Report- Rich Murphy

1) Update on Victory Park Pavilion Project

The proposed plan was from The Vision of Buchanan on page 40. Since then, the city has resurfaced the basketball courts, expanding the park. Kevin Barker offered Pro Bono to design the Victory Park Pavilion and has completed the design. We are expected to go out for bids soon. Murphy plans to meet with BARB at their next meeting updating them on where we are.

Denison wanted to publicly acknowledge and thank Kevin Barker and the Northside Neighborhood for all the meetings and work done on this project.

2) Update on Clark Campus National Register Designation

The application has been submitted to the State. Murphy excited about the opportunity it brings to the city. Kurt Garner and the Buchanan Preservation Society has been a huge help in helping get this together.

B. *Main Street Report - Ashley Regal -Downtown Redevelopment Funding Plan with Buchanan Main Street Program & Michigan Gateway Community Foundation Proposal for Designated Redevelopment Funds*

Regal gave an update on MI Main Street introduced some of the board members. MI Main Street provides technical assistance for communities desiring to develop their own local Main Street program by utilizing the Main Street approach. Regal is extremely proud of this Board. They bring energy and professionalism to this board. They are continuing to work through the steps of MI Main Street.

Regal introducing Michael Rowland with Michigan Gateway Community Foundation. Rowland proposing a plan for the DDA revenue (after the DDA was dissolved). Rowland proposing a Downtown Development Endowment, permanently designated funds for downtown development. Which would create Granting Opportunities. Endowment would permanently fund downtown development, third party transparency, credibility, and partnership. It would create everlasting community development program impervious to "political winds of change". Rowland went over the financials and how the grants would be distributed.

C. *Clerk Report- City Clerk, Kalla Langston will briefly provide an update on the upcoming election.*

August 2, 2022 is the August Primary Election. Langston asking anyone running for City Commission that the petition be turned in as soon as possible. The due date is July 26th at 4:00 P.M.

X. Unfinished Business

A. *Second reading and adoption of Ordinance 2022.04/430- IPMC Adoption Ordinance, International Property Maintenance Code.*

Motion made by Swem, seconded by Weedon to approve Ordinance 2022.04/430 IPMC Adoption Ordinance, international property maintenance code. Roll call vote carries unanimously. See Attachment A

XI. New Business

A. *Consider the agreement with the Spicer Group to continue being a member of the Berrien/Cass NPDES MS4 compliance.*

Motion made by Money, seconded by Downey to authorize the City Manager to sign the Spicer Group M4 agreement, as presented. Roll call vote carries unanimously.

B. *First reading and consideration of Ordinance 2022.06/433 Parks Ordinance.*

Motion made by Downey, seconded by Weedon to approve the first reading of Ordinance 2022.06/433, regulating the city parks as presented. Roll call vote carries unanimously.

C. *Consider the end of the year budget amendments for FY 2021-2022.* The budget amendments for each fund are available on the City website, under "Departments", "Treasurer", "Financial Reports," or at the following link: <https://tinyurl.com/3w9ekbpn>

Motion made by Swem, seconded by Money to approve the Fiscal Year 2021/2022 budget amendments, as presented. Roll call vote carries unanimously.

D. *Closed Session RE Real Property- [if desired to discuss foreclosed properties list in private packet]*

(a) *Enter Closed Session-* Consider entering Closed Session pursuant to MCL 15.268 Sec. 8 (1)(d) to consider the potential purchase or lease of real property.

No motion made, motion dies.

(a) *Reenter Open Session-* Consider reentering Open Session.

(C) *Action Based on Closed Session-* Consider authorizing action based on Closed Session discussions

E. Streetscape Public Engagement Session- Consider scheduling a public meeting from 5pm-7pm on Monday, August 8, 2022, to allow for a presentation of an initial Streetscape design for downtown Buchanan's 2023/2024 Redesign & Reconstruct project, along with opportunities for public input and comment on the design.

The city has an internal task force that has been working with engineers from Prein & Newhoff on the 2023/2024 Redesign & Reconstruct project, as well as infrastructure. The city is hoping to get public opinion on the streetscape design several different ways.

Motion made by Weedon, seconded by Downey to authorize the City Administration to schedule a public meeting from 5 PM to 7 PM on Monday August 8th, 2022, to discuss the streetscape design for the 2023/2024 Front Street project. Roll call vote carries unanimously.

XII. Communications *(informational only, formal board action is not necessary for these items, unless so desired)*

A. The open house for the Wastewater treatment facility is being postponed until further notice due to staff shortages at the WWTP. Previously scheduled to be held on August 2, 2022

B. Chief of Police Appointment- Manager Grace will announce the formal appointment of the City of Buchanan's new Chief of Police, effective July 1, 2022.

Grace formally appointed Dr. Harvey Burnett to the Chief of Police. Grace applauded Burnett for all his accomplishments.

Burnett thanked the commission for the opportunity.

XIII. Public Comment - Non-Agenda Items Only *(3-minute limit)*

Dan Vigansky, concerned about 3rd St., the retaining wall, the culvert, the DPW building, the road to the river bringing up there has not been any update lately.

XIV. Executive Comments

A. City Manager Comments

Thank to Norma Ferris and Peter Lysy, they have been continually helping the city management with our storage area. Lysy has been using his wonderful skill set that we are blessed to have. Thanks to everyone in this room for being involved in the process.

The county is letting us utilize a storage barn for the salt and truck near city limits. 3rd Street project is on the schedule for the week after 4th of July. We have made strides in previous meetings about the DPW building. The bridge to Walton is under the county's control, we will try to keep everyone updated on the open and close.

B. Commissioner Comments

Weedon, thanked Murphy for his hard work and dedication. And working with the Northside neighbors to improve the projects in the neighborhood. He hopes they are proud, seeing a lot of energy coming out of that group and excited to see. Thanked Dr. Harvey for his dedication and all aspects. Thanking everyone who showed up tonight and to the Main Street Representatives and

the Preservation Society, Ralph, and Fran. We welcome your aggressiveness, Dan; it gives us a different point of view.

Swem, Congratulations to Chief Harvey. Excited what Main Street has going on right now. The whole economic development team Swem thanked them all for their efforts. Making big waves there. Congressional Representative Tim Walberg will be in the area on Wednesday this week, if you have the opportunity to attend any of the events, he's at this week.

Downey, Congratulations to Chief Harvey Burnett and thanks to Director Ganus.

Money, Congratulations to Chief Harvey Burnett no better person to take the shoes of Ganus. He apricates everything Burnett has done in this community and the things he will continue to do in this community. Thanked Rich, Michael and Ashley for their presentation, excited about it. This commission is great to work with and they don't need to bend their arms because I pat them all on the back enough, we may argue at times, but we always come out on top of things. Thanked the Commission for all their hard work.

C. Mayor Comments

Thanked Chief Harvey Burnett as well as Director Tim Ganus. Thanked Peter Lysy for helping sort out the mess in the closet. This town has someone perfect for every chore, there is not a better chore for anyone then Peter. He hopes he found valuable things to put into the local history room at the library. Not a better person could have done it.

Denison addressed Vigansky; just because we do not inform you of everything were working on, does not mean we are not working on it. Selge was delayed, yes, we are all frustrated about it. North River Park that entrance way is part of a larger scheme of things that we are trying to work on, rather than keep bandaging the road, we are trying to come up with a plan to fix it permanently. I would rather see us do it right instead of continuing to throw money at the road. Murphy would be able share the plan with you about north river park. The start and end date is unknown for the project for streetscape. That is what the public meetings are for, we have a lot of planning to do with it before we have exact times and dates.

XV. Adjourn

Motion made by Weedon, seconded by Money to adjourn the meeting at 8:45 PM

Kalla Langston, City Clerk

Mayor Sean Denison

Draft Ordinance
for First Reading – City of Buchanan, 06/13/2022

ARTICLE IV. - HOUSING PROPERTY MAINTENANCE CODE

Sec. 14-86. - Adopted.

The International Property Maintenance Code, 2021 Edition (hereinafter "IPMC"), is hereby adopted by reference as the Property Maintenance Code of the City of Buchanan, subject to the amendments contained in this Article IV.

(Comp. Ords. Rev. 2022, § _____)

Sec. 14-87. - References in code.

References in the IPMC adopted under this Article IV to:

- (1) "board of appeals" or "board" shall mean the City's Zoning Board of Appeals;
- (2) "city" shall mean the City of Buchanan (hereinafter the "City");
- (3) "code official" shall mean the City Building Inspector and/or Code Enforcement Officer;
- (4) "compliance agency" referred to in Section 103.1 shall mean the City's Building Department.
- (5) "local laws" shall mean the Ordinances of the City;
- (6) "governing body," "governing authority," "applicable governing authority," and/or "chief appointing authority" shall mean the City Commission;
- (7) "the jurisdiction" and/or "authority having jurisdiction" shall mean the City;
- (8) "name of jurisdiction" shall meant the City of Buchanan;

(Comp. Ords. Rev. 2021, § _____)

Sec.	14-88.	-	Amendments.
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The IPMC adopted under this Article is amended as follows:

105.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the *code official* has reasonable cause to believe that there exists in a *structure* or upon a *premises* a condition in violation of this code, the *code official* shall first attempt to obtain prior permission to enter from the owner or owner's authorized agent. If permission to enter is not granted, the code official shall obtain a warrant for inspection of the premises and/or structure from a court of competent jurisdiction before entering the premises or structure. ~~is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, owner's authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.~~

109.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 111.4 shall be deemed guilty of a ~~misdemeanor or civil infraction as determined by the local municipality,~~ and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the *structure* in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the City ~~authority having jurisdiction on such premises~~ shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate.

110.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fines established by the City, which may be set via Resolution of the City Commission. ~~authority having jurisdiction.~~

111.4 Notice. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given, including any order to demolish, in the manner prescribed in Sections 111.4.1 and 111.4.2 to the owner or the owner's authorized agent and any lienholders of record, for the violation as specified in this code. Notices for condemnation procedures shall comply with this section.

111.6 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order, condemnation notice, or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

113.1 General. The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure, which in the code official's or owner's authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year after the date of the compliance order, condemnation notice or other notice of violation, unless approved by the building official.

APPENDIX B, IPMC:

B101.7.1 Decision Resolution. The decision by the board shall be by written report stating the board's factual findings, decision, and reasons for decision on the appeal resolution. Every decision shall be promptly filed in writing in the office of the code official within three (3) days and shall be open to the public for inspection. A certified copy shall be furnished to the appellant's representative and code official.

B101.7.1A Board Decision. Within five (5) days of the date of board of appeals decision, it shall file its decision with the City Commission and request that the City Commission review and concur with its decision.

B101.7.1B Hearing on Repair or Demolition Order. If repair or demolition is ordered, or if the owner, owner's agent or an interested party fails to comply with the requirements of an opportunity to repair, the City shall issue a notice giving the date and time the matter is to be heard by the City Commission and serve the notice, in the manner provided in Section 111.4, on the owner, owner's agent or interested party at least ten days prior to the hearing.

B101.7.1C City Commission Hearing. At the City Commission hearing, the owner, owner's agent, or other interested parties shall be given the opportunity to show cause why any ordered repairs should not be made or the structure should not be demolished but repaired, and the City Commission shall either approve, disapprove or modify the order of the board of appeals. In addition:

- (1) After the hearing, the decision of the City Commission shall be served on the owner, owner's agent and all interested parties in the manner provided in section 111.4
- (2) The City Commission may require a deposit of funds adequate for demolition if it allows an owner, owner's agent or interested party to repair as structure or premises, and it may determine and attach any conditions to any permit to repair.
- (3) Any decision to allow repair issued by the City Commission in a dangerous structure or premises case shall limit the time for completion during a period reasonably determined by the City Commission, taking into account the condition of the premises or structure, but not to exceed ninety (90) days from the date of issuance of the Commission decision.
- (4) If the owner, owner's agent or other interested parties fail to comply with the decision of the City Commission within the time limited or as conditioned, the City may cause the building or structure to be demolished or repaired, first utilizing any funds deposited. The cost, in excess of any deposit, of the demolition or repair shall be collected by the City in the manner following: An owner, owner's agent, or interested party shall be notified of the amount of such costs by first class mail; if it fails to pay within 30 days after the mailing of the notice, the City may recover the costs from the owner, owner's agent or interested party as a personal obligation by filing an action for recovery in any court of competent jurisdiction. The City may further, or alternatively, add the premises to the next tax roll of the City and collect the costs in the same manner in all respects as provided by law for the collection of taxes. Defendants in the personal action, if any, shall receive credit for all amounts collected through the tax collection procedure, but shall be liable for any uncollected amounts. If the City collects through the personal action any amount of the costs incurred, the tax lien shall be thus reduced.

B101.7.1D Appeal to Circuit Court. Any owner, owner's agent, or interested party aggrieved by any final decision of the City Commission may appeal the decision in the time and manner provided under State statutes and applicable Court Rules.

(Comp. Ords. Rev. 2021, § _____)

Section _____. **Repeal and Replacement.** This Article IV., Property Maintenance Code, repeals and replaces the former Article IV, Housing Code, Sections 14-86 through 14-110 of 1991 of the Buchanan Code of Ordinances.

(Comp. Ords. Rev. 2021, § _____)