

**MINUTES**

**I. Call to Order**

Mayor Denison called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

**II. Roll Call**

- PRESENT** Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Cameron Downey, Commissioner Larry Money
- ABSENT** Commissioner Patrick Swem
- STAFF** City Manager Heather Grace, City Clerk Barbara Pitcher, Director of Public Services Mike Baker, Director of Public Safety/Chief of Police Tim Ganus, Community Development Director Rich Murphy, Treasurer Stephanie Powers
- GUESTS** 14 guests including Fran Terry, Don Ryman, Norma Ferris, Dan Benak, Richard Martin, Leland Payne, Beth Murphy, Brian Murphy, Dr. Jodi Silver, Mitch Warnake, Josh Summers, Rosa Salazar

**III. Approve Agenda**

Discussion to amend the agenda to omit the Greater Niles Chamber of Commerce invoice from the Consents Agenda and add to the end of New Business, and remove Approve Market Master Contract from New Business.

***Motion made by Commissioner Downey, Seconded by Mayor Pro Tem Weedon to approve the agenda as amended. Roll call vote carried unanimously.***

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

*Norma Ferris* - shared concerns regarding Dial-A-Ride contract.

*Richard Martin* - Spoke regarding Chippewapalooza, recently held at the Common, and thanked the City and City Manager for all they did to help the event be a success. (Mayor Denison thanked Martin for the comment and reminded him it really should have been at the end of the meeting as a comment on non-agenda items.)

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

**A. Approve Minutes**

August 9, 2021 - Special Joint Work Session of the City Commission and Planning Commission;  
August 9, 2021 - City Commission Meeting; August 16, 2021 - Special Meeting of the City Commission

**B. Approve Expenditures for August 23, 2021**

Approve expenditures in the amount of **\$2,893,126.37** which includes the Summer Tax Distribution of \$2,539,360.24 and Capital One Public Funding in the amount of \$220,860.00.

The Greater Niles Chamber of Commerce invoice in the amount of \$8,990.00 was omitted from the expenditures, bring the new total to **\$2,884,136.37**

C. Banner Placement Request

Approve banner placement request submitted by April Jonatzke for Fall Senior Banners - September 6 - November 1 (Band, Football, Soccer, Volleyball, Cross-Country, Tennis, and Equestrian)

D. Accept Staff Activity Reports

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Money to accept the consent agenda as amended. Roll call vote carried unanimously.

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

A. Pinnacle Emporium 420 Event

Presentation by representatives from Pinnacle Emporium regarding their plans to host an event next year prior to or after 420 during the same week.

Dr. Jodi Silver, Mitch Warnake, Josh Summers, and Rosa Salazar spoke on behalf of Pinnacle Emporium stating they are looking to partner with the City to host a consumption event. No alcohol would be permitted and it would bring people in and expose them to the City. They are preparing an application to the State with a target date for an event in the middle of May. The application requires an attestation from the City and is due no later than 90 days prior to the event. A similar event held in Addison was positive with no incidents. Sixty percent of attendees came from 2+ hours away.

Weedon asked for clarification on security. Pinnacle representatives responded that the State has very strict guidelines. There would be a perimeter around the area - a fence with a black screen. It would be a 21 and over event, adult-use only. They use Great Lakes Security plus their own security who partner with local Police and Fire Departments.

Weedon asked about any apprehension Addison had. Pinnacle representatives indicated there were no reservations as Addison is a small town that Pinnacle is helping to put on the map.

Attendance projections for Buchanan are 3,000-5,000.

No action was taken by the Commission at this time.

B. Buchanan Tree Friends - Days Avenue Trees

Richard Martin and Brian Murphy to present recommendations based on the Buchanan Tree Friends' assessment and tree forms submitted by residents along Days Avenue.

Martin discussed some of the concerns regarding the Days Avenue trees. He shared the mission of the Buchanan Tree Friends, the benefit of trees, and the desire to balance those with the needs of the residents. Suggestions for remediation included:

- Installing PVC pipe
- Re-routing sidewalks
- Addressing safety issues through removal and heavy trimming of a few trees, and light trimming of some others
- Using a phased approach for removal and replanting 1 tree every other year, which would take 58 years

Money stated it seems like there are a lot of dead trees and would like to see replacements. Downey discussed damage done by AEP with their trimming and noted clay pipes seem to be a big part of the issue.

The Commission took not action on this item at this time.

## VII. Reports by: Departments, Committees, Boards

### A. Buchanan Area Recreation Board - Resolution 2021.08/232 to Dissolve the Dog Park Subcommittee

Consider adopting Resolution 2021.08/232 to Dissolve the Dog Park Subcommittee of Buchanan Area Recreation Board.

***Motion made by Commissioner Money, Seconded by Mayor Pro Tem Weedon to adopt Resolution 2021.08/232 to Dissolve the Dog Park Subcommittee of Buchanan Area Recreation Board. Roll call vote carried unanimously.***

### B. Planning Commission - Resolutions 2021.08.233 and 2021.08/234 to Transition Subcommittees

The Buchanan Area Recreation Board (B.A.R.B.) and the Planning Commission, both having met separately, see strategic value in transitioning both the Friends of the Trail and the Buchanan Tree Friends from subcommittees of the B.A.R.B. to the Planning Commission. The Planning Commission, following their meeting on August 10, 2021, recommends the following:

- Consider adopting Resolution 2021.08/233 - A resolution to transition the Friends of the Trail from a subcommittee of the Buchanan Area Recreation Board to a subcommittee of the Planning Commission.
- Consider adopting Resolution 2021.08/234 - A resolution to transition the Buchanan Tree Friends from a subcommittee of the Buchanan Area Recreation Board to a subcommittee of the Planning Commission.

***Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Downey to adopt Resolution 2021.08/233 - A resolution to transition the Friends of the Trail from a subcommittee of the Buchanan Area Recreation Board to a subcommittee of the Planning Commission. Roll call vote carried unanimously.***

***Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Money to adopt Resolution 2021.08/234 - A resolution to transition the Buchanan Tree Friends from a subcommittee of the Buchanan Area Recreation Board to a subcommittee of the Planning Commission. Roll call vote carried unanimously.***

## VIII. Unfinished Business

### A. Third Street Repairs

Considerable discussion regarding the two quotes received from Selge and Green. Due to considerable differentiation in the quotes and the desire to have both bidders present to be able to respond to questions regarding their quotes, the item is postponed to a future undetermined date when a special meeting can be held.

## IX. New Business

### A. Fees for Food Trucks, Registration

City Manager Graces stated that this year the City allowed food trucks to stimulate activity. It has been a pilot program. Moving forward, a more formal regulation and permitting process will be established.

Benak spoke from the audience stating food trucks create direct competition with local businesses, a lack of taxation, and liability for the City.

The Commission discusses fees and regulations, Grace suggests averaging the tax bills of local restaurants and dividing by 365 to determine daily tax liability for food trucks. Murphy shared that Niles has a permitting process that he will look into further. He recommends we study a few model cities and improve the process for next season.

The Commission took no action on this issue at this time.

### B. Update on Enforcing Parking Ordinances

Chief Ganus provided an overview of parking issues and ordinances. He explained there have been changes such as additional residences, 3-hour parking enforcement, new city attorneys. We need to move forward with attorney advice.

He further explained that the 3-hour enforcement is complaint-driven. He would like to have more cameras because now surveillance capabilities are limited. There is more vehicle traffic and there must be yellow zone areas for fire hydrants, intersections, and wide turns. The Department has issued 160 parking tickets but prefers to educate. Many neighborhoods have parking on only one side of the street to allow fire trucks to pass. The city attorneys have advised against enforcing business owner parking the Department has not for a few years. Ganus suggests the ordinance should be amended or replaced. He also noted a new officer will be starting in a few weeks to help address these issues but also suggested the City needs to address future recruitment.

Weedon offered several items for future consideration; additional cameras, additional officers, meters, and a parking garage.

The Commission took no action on this item at this time.

### C. Parking Permits vs. Permitted Parking Spaces

Ganus notes there are 28 permitted parking spaces; 37 permits have been issued but only 28 are active due to moves and/or forfeiture. Discussion regarding the current location of parking spaces and where other public or permitted parking spaces could be established. Denison suggested there is wasted space in the municipal parking lot and that restriping and one-way traffic would help. Downey suggested increasing the cost of a parking ticket.

The Commission took no action on this item at this time.

### D. Review of "Market Master" Contract

The 'Review of "Market Master" Contract' item was removed from the agenda and replaced with Greater Niles Chamber of Commerce Invoice

***Motion made by Commissioner Downey, Seconded by Commissioner Money to postpone the item until the September 13, 2021 meeting so that Commissioner Swem could be present to***

***discuss and vote on the issue. Roll call vote carried unanimously.***

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

A. Domestic Violence Awareness Month

The Cora Lamping Center is a Division of The Avenue Family Network, Inc., which is a non-profit, non-governmental agency serving Berrien County. The Center provides a secure, violence-free environment for survivors of domestic violence and sexual assault along with their dependent children. Survivors are offered a protective, warm, and violence-free place to stay, listening ears, support groups, and other resources needed to develop safe, healthy, and meaningful lives for themselves and their children.

October is Domestic Violence Awareness month and the Center is requesting permission to place purple ribbons - a symbol of peace, courage, survival, honor, and dedication to ending violence - on all the lamp posts on East Front Street, from Red Bud Trail to Main Street.

***Motion made by Commissioner Money, Seconded by Mayor Pro Tem Weedon to allow the Cora Lamping Center to place purple ribbons on the lamp posts on East Front Street, from Red Bud Trail to Main Street. Roll call vote carried unanimously.***

B. National Night Out

Seargent Harvey Burnett reported on the success of this year's event.

C. Patriot Day

The American Legion Post 51, the Buchanan Area Ministerial Association, and the Buchanan Police and Fire Chaplains will host an annual commemoration service, Patriot Day - 20 years - the Remembrance of September 11, 2001. The service will be held at the Buchanan Common on Saturday, September 11, 2021 AT 7:00 p.m.

D. Dial-A-Ride Transition Update

The City of Niles has approved the proposed contract that was previously approved by the Buchanan City Commission to transition Buchanan's Dial-A-Ride services from Berrien County to the City of Niles. Manager Grace spoke with Niles Manager Huff last week and confirmed that both parties are anticipating no issues with moving forward with an October 1 effective date for the change and that the signatures for the contract are merely waiting on some final data to be inputted from Berrien County regarding end of year expenditure projections. Berrien County Operator Evan Smith also updated that due to unprecedented staffing shortages, Berrien County is not able to secure enough drivers for the system, so Dial-A-Ride will not have Saturday service between now and when the transition takes place. However, Niles confirms that Saturday service will resume once they take over.

E. Thanks to Buchanan Art Center

Mayor Denison displayed a plaque from the Buchanan Art Center recognizing the City for its support. The Mayor, in turn, thanked the Buchanan Art Center for its contribution to the community over the past 16 years.

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

*Don Ryman* - Expressed his concerns regarding grant money accepted by the City to fund the November 2020 election.

*Norma Ferris* - Expressed concerns about communications in regard to Dial-A-Ride. (Mayor Denison he's unsure how to respond to Ms. Ferris' continued questions on the subject as the City has provided, and will continue to provide information to the public as it is received.)

*Dan Benak* - Shared a rumor that a general contractor had contacted the City about a multi-million dollar project and have not heard from the City Manager. (City Manager Grace responded that she has received no such communication.)

*Rosa Salazar* - As Manager of Pinnacle Emporium, she is excited to be in Buchanan. She also spoke about providing education regarding CBD and cannabis use.

## **XII. Executive Comments**

### **A. City Manager Comments -**

Several staff positions have been filled; Part-time Seasonal, Emma Lysy; Administrative Secretary, Britni Walls; and Clerk-Cashier, Jill Mondschein. Now that Mike Baker has been promoted, there will be a new DPW staff member soon. Welcome newcomers.

### **B. Commissioner Comments -**

*Downey* - Asked for clarification on the CTCL Grant mentioned by Don Ryman. (The Clerk responded stating how much money was received, what it was used for, and that it had absolutely no bearing on the outcome of the election.)

*Money* - Stated that meetings are long because we're following through. Noted that the DPW staff installed the new flag pole at City Hall which was a gift from Dave and Tracy Dippo presented to Money as Post Commander of the American Legion.

Commissioner Weedon had no comments.

### **C. Mayor Comments -**

Thanked everyone for showing up and stated he likes the back and forth. Encouraged people to attend the Patriot Day remembrance on September 11 at the Common.

## **XIII. Adjourn**

***Motion made by Commissioner Money, Seconded by Mayor Pro Tem Weedon to adjourn the meeting at 9:10 p.m. Roll call vote carried unanimously.***

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Barbara A. Pitcher, City Clerk

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Mayor Sean Denison