

REGULAR MEETING OF THE BUCHANAN CITY COMMISSION
MONDAY, JULY 11, 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

Mayor Pro Tem Mark Weedon called the meeting to order at 7:00 P.M.

II. Recognition

None

III. Pledge of Allegiance

Mayor Pro Tem Weedon led in the Pledge of Allegiance.

IV. Roll Call

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

Absent: Mayor Sean Denison

City Staff: City Manager, Heather Grace; City Clerk, Kalla Langston; City Treasurer, Deborah Perez; Director of Public Services, Mike Baker; Chamber Executive Director/Main Street Manager, Ashley Regal; Chief of Police Harvey Burnett

V. Approve Agenda

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

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

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

A. Consider the re-appointment of Molly Thornton to the Board of Trustees for the Buchanan District Library

B. Consider approving the Regular Meeting Minutes for June 27, 2022.

C. Consider approving the expenditures for July 11, 2022, in the amount of \$85,353.76

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

VIII. Scheduled Matters from the Floor (if any)

- A. Intent to Establish SAD (Special Assessment District) under Act 33 of 1951 for Ambulance Services. Consider approving Resolution 2022.07/437 and set a public hearing for Monday, July 25th, 2022, at 7:00 PM to hear and consider any objections to the proposed special assessment, the district, and all other matters relating to the Special Assessment District for Emergency Medical Services through Southwest Michigan Community Ambulance Service.

Motion made by Money, seconded by Swem to approve Resolution # 2022.07/437, establishing a Special Assessment District for SMACAS, and setting a Public Hearing for July 25th, 2022, at 7:00 P.M. Roll call vote carries unanimously.

- B. DPW Schedule Update- Daniel of AVB, and Amelia and Gary of Barton Group, will be available via Zoom to review an update regarding the schedule for the DPW building construction project.

Daniel from AVB provided a soft schedule with a 3-month delay to the end of the project. Long lead times are still a factor with a 26-week lead time on the building. End of construction would be in February 2024 with the design schedule. The focus of why they are talking is that there is another option of doing an early bid package, there a lot of risk with the early bid project but would get them in on schedule in November 2023. There could be hybrid approach, but it could scare bidders away from the bid with language of cancellation.

Motion made by Swem, seconded by Money, to stick with the Bergmann Design Schedule' and not issue an early PEMB Bid Package. Roll call vote carries unanimously.

IX. Reports by: Departments, Committees, Boards

- A. Treasurer's Report- Debroah Perez will provide a brief update for the finance department.

Treasurer Perez gave the Commission an expenditure and revenue report for their review. This is a very preliminary report as of June 30 for year end. There will be a lot of adjustments that will be needed and reallocation of expenses. Most were clerical errors that were coded to the wrong departments. Perez has some work ahead of her, with getting it revised.

Audit Field work is scheduled for August 31, September 1, September 2. Auditors would like a meeting with the Commission to explain the process.

Grace complimented Perez on the amazing job she's doing, since she started this is the first month they have had timely bank reconciliation that balanced correctly as well.

- B. Thrill on the Hill

1) Road Closure from 6 AM August 2, 2022, to 6 AM August 7, 2022

Regal and Burnett presented the road closure maps in the packet for the Commission.

Discussion about closing any other roads. The Commission went with what was presented.

Motion made by Money, seconded by Downey, to approve the Thrill on the Hill Road Closure as presented. Roll call vote carries unanimously.

2) Consider the noise ordinance being delayed till 1 AM on Saturday Morning on August 6th, due to a concert on Friday, August 5th.

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Regal said the concert should be over by 11 but wanted to cover her bases.

Motion made by Swem, seconded by Money, to approve the requested Noise Ordinance Waiver for Thrill on the Hill, as presented. Roll call vote carried unanimously.

X. Unfinished Business

A. Second reading and adoption of Ordinance 2022.06.433- Parks Ordinance.

Motion made by Downey, seconded by Swem to approve the 2nd reading of ordinance 2022.06/433 to regulate City Parks. Roll call vote carries unanimously.

(See attachment A)

XI. New Business

A. Closed Session to Discuss Real Property- Consider going into Closed Session pursuant to MCL 15.268 Section 8 (1)(d) to consider the potential purchase or lease of real property.

Motion made by Money, seconded by Swem to enter in closed session pursuant to MCL 15.268 Section 8 (1)(d) to consider the potential purchase or lease of real property. Roll call vote carries unanimously.

Motion made by Money, seconded by Downey to re-enter open session at 8:14 PM. Roll call vote carries unanimously.

Motion made by Downey, seconded by Swem to authorize the City Manager to take action pursuant to discussions held in closed session. Roll call vote carries unanimously.

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

A. City of Buchanan Summer 2022 Newsletter- An informational Newsletter is being mailed to each Buchanan City resident.

Newsletter will be in with the SMCAS Public Hearing. The road closures for Thrill on the Hill will coincide with Election Day on August 2. There is a detailed detour map on the newsletter for the short detour.

B. Public Accuracy Testing for August 2, 2022, Primary Election to be scheduled for Wednesday, July 20th, 2022, at 11:00 AM

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

Norma Ferris- asking for consideration for Oak St to be a fire lane.

Rick Paniagua- Gave update on the Buchanna fest. Thanked everyone for making it happen in such a short period of time. Raised 13,500.00 for the non-profit organization, Lyla-Grace. Community seemed to really appreciate it; the music was fantastic. Happy that there was something else going in town. The hard work of the folks at River St. Joe and his team went a long way.

XIV. Executive Comments

A. City Manager Comments

Thanked Rick for his comments and expressed her gratitude to Rick, Tony, and Monroe for the dedication they showed to bring the event to Buchanan. Excellent that they were able to raise funds for their charity. Thanking the rest of the community for being engaged in the local elections and thanked our dedicated Clerk. Langston is more humble than she should be, if not the best one

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of the best in Berrien County, she is extremely professional, knows her stuff, and is as dedicated as you can possibly be to ensuring a fair and transparent process.

B. Commissioner Comments

Swem, thanked Rick for the event he put on, looking forward to seeing where the funds go and continuing to hear the updates on the impact it has on the community.

Money, thanked Rick, it was a good event and everything went smoothly. People had a good time. As always Money thanked the Commission for what they do, they have some hard tasks and will continue to take in stride.

Downey thanked Rick; it's always nice to have any new event in Buchanan.

C. Mayor Pro Tem Comments

Weedon wanted to mirror everyone's comments. Thanks to Rick and his team, there was a lot to accomplish. Jen Tabor had done well; it was impressive to see. Thanks to Ralph, you can't say enough good things about what's happening downtown. Thanks to Baker and his team everyday they are out there picking up something or organizing something he really appreciates that. Langston can't say enough great things about you. From what I hear from everyone else, Grace's statements ring true. Perez, welcome I know you have a big task, but you seem sharp, and I don't doubt you're going to be digging in and giving us everything we need.

Thank you to everyone who showed up tonight.

XV. Adjourn

Motion made by Money, seconded by Swem to adjourn the meeting at 8:24 P.M.

Kalla Langston, City Clerk

Mayor Pro Tem Mark Weedon

Sec. 62-61. – Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animals means dogs, cats, horses, any fowl or birds, and any living creatures within the jurisdiction of the parks, public areas, or recreational areas.

Approving governmental agencies means the City Commission, or their designees.

Crossing means the extension of any sidewalk space, whether marked by a pavement or otherwise, across any intersecting drive, street, or highway.

Curb means any boundary of any street, road, avenue, boulevard, or drive, whether or not marked by a raised curb.

Path means any footpath, walk, or any path maintained for pedestrians.

Pedestrian means a person on foot.

Permits means any written license issued by or under the authority of the approving governmental agency allowing a special event or activity on a park facility.

Soliciting means the same as is defined in Chapter 66 of this Code.

Stopping or standing means any cessation of movement of a vehicle occupied or not, except when necessary to avoid conflict with pedestrians or other traffic.

Traffic means pedestrians, ridden or herded animals, and vehicles, either singly or together.

Vehicles means any conveyance, including motor vehicles, trailers of all types, campers, or other wheeled or skid type vehicles, whether powered by muscular power or combustion.

Vending means the selling or trading of any item or service.

(Comp. Ords. Rev. 1991, § 20.804)

Cross reference – Definitions generally, § 1-2.

Sec. 62-62. – Construction of article.

In the interpretation of this article, the provisions shall be construed as follows:

- (1) Any requirement or prohibitions of any act shall respectively extend to and include the causing and procuring, directly or indirectly, of such act.
- (2) No provision of this article shall make unlawful any act necessarily performed by any officer or employee of the City in the line of duty or work as such, or by any person, their agent, or employee in the proper and necessary execution of the terms of any agreement with the City.
- (3) Any act otherwise prohibited by law or local ordinance shall be lawful if performed, under, by virtue of, and strictly within the provisions of a permit to do so, and to the extent authorized thereby.

(Comp. Ords. Rev. 1991, § 20.803)

Sec. 62-63. – Purpose

The purpose of this article is to provide rules and regulations for the use of, and conduct in, public areas, parks, and recreational areas of the City.

(Comp. Ords. Rev. 1991, § 20.801)

Sec. 62-64. – Application of article; governing body.

This article shall apply in all public areas, parks, and recreational areas under the jurisdiction of the City of Buchanan, unless expressly exempted. For the issuance of permits, temporary designations, authorizations, granting of approval, and other actions, the governing body shall be the City Commission or its designee.

(Comp. Ords. Rev. 1991, § 20.802)

Sec. 62-65. – Unlawful acts re structures; plants, trees; earth; animals; water; litter; fires.

It shall be unlawful for any person in a public park or recreation area to:

- (1) Mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, bleachers, fireplaces, railways, paving or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices, placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.
- (2) Dig or remove any soil, rocks, stones, sand, trees, shrubs, sod, or plants other wood or material or make any excavation by tool, equipment, blasting, or other means or agency.

- (3) Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon, or across such lands, except upon special written permit issued under this article.
- (4) Damage, cut, carve, mark, transplant, or remove any plant, or injure the bark, or pick flowers or seed of any tree or plant, dig in or otherwise disturb grass areas or in any other way injure the natural beauty or usefulness of any area.
- (5) Climb any tree or walk; climb, stand, or sit upon monuments, vases, planters, fountains, railings, fences, or upon any other property not designed or customarily used for such purpose.
- (6) Attach any rope or cable or other contrivance to any tree, fence, railing, bridge, bench, or other structure.
- (7) Throw, discharge, or otherwise place or cause to be placed in the waters of any fountains, ponds, lakes, streams, or other bodies of water in or adjacent to any park or other tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter, or thing, liquid or solid, which will or may result in the pollution of such waters. Take into, carry through, or put into any park, any rubbish, refuse, garbage, or other material, except as created in the use of such areas. Such refuse or rubbish as created in the use of such areas shall be deposited in receptacles so provided. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.
- (8) No person shall drink any beer, wine, or intoxicating liquor in any public way, place, park, or outdoor area to which the public is admitted as is defined in Section 6-5.
- (9) Bring any glass containers into any park or recreation area.
- (10) Cause or permit to run loose any animal, except in designated areas.
- (11) Tie or hitch an animal to any tree or plant, except in designated areas.
- (12) Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot, or throw objects at any animal, wildlife, reptile, or bird; nor shall they remove or have in their possession the young of any wild animal, or the eggs or nest of any reptile or bird.
- (13) Ride a horse, except in designated areas.

- (14) Walk a domestic animal without a leash, such leash to be no longer than six (6) feet. Further, the owner or person having custody of the domestic animal shall be responsible for removal of any animal solid wastes.
- (15) Kindle, build, maintain, or use a fire except in places provided for such purpose or except upon written permit issued by the governing authority. All fires shall be continuously under the care and direction of a competent person from the time it is kindled until it is extinguished.

(Comp. Ords. Rev. 1991, § 20.805)

Sec. 62-66. – Vehicles.

It shall be unlawful for any person in a public park or recreation area to:

- (1) Drive any vehicle on any area except park roads or parking areas, or such areas as may on occasion be specifically designated as temporary areas.
- (2) Park a vehicle anywhere except on a designated parking area.
- (3) Leave a vehicle standing or parked in established parking areas or elsewhere in a park and recreation area during the hours when the park or recreation area is closed.
- (4) Leave a bicycle in a place other than a bicycle rack when such is provided and there is space available.
- (5) Ride a bicycle without reasonable regard to the safety of others.
- (6) Use the parks, park drives, parking places, or parkways for the purpose of preparing or cleaning of any vehicle.

(Comp. Ords. Rev. 1991, § 20.806)

Sec. 62-67. – Firearms; weapons; fireworks.

It shall be unlawful for any person to bring into or have in their possession in any park or recreation area:

- (1) A pistol, revolver, rifle, shotgun, BB gun, air gun, spring gun (in which the propelling force is gunpowder, spring, or air), slingshot, bow, knife, machete, or other weapon as prescribed by law.

- (2) Have in their possession or shoot off any fireworks. Permission may be given by the City Commission for conducting properly supervised fireworks in designated park areas.

(Comp. Ords. Rev. 1991, § 20.807)

Sec. 62-68. – Advertising; assemblages; entertainment.

No person shall do any of the following without a permit; provided that no permit shall be required for any action or event sponsored by the City or the Recreation Board:

- (1) Display any advertising sign or other advertising matter provided that a sign attached to a vehicle to identify the vehicle or a sign lawfully on a taxi or bus is not prohibited.
- (2) Hold any public assemblages.
- (3) Conduct exhibits.
- (4) Hold a parade.

(Comp. Ords. Rev. 1991, § 20.808)

Sec. 62-69. – Miscellaneous conduct regulations.

It shall be unlawful for any person in a park or recreation area to:

- (1) Camp or stay overnight anywhere except in areas designated for camping or overnight stays in vehicles or trailers.
- (2) Take part in the playing of any games involving thrown or otherwise propelled objects, except those in areas designated for such forms of recreation.
- (3) Play football, baseball, basketball, soccer, lacrosse, volleyball, or rugby, except in areas that are safe for such games.
- (4) Rollerskate or use skateboards except in those areas specifically designated for such pastimes.
- (5) Enter an area posted as closed to the public or designated for a particular purpose.

- (6) Engage in threatening, abusive, insulting, or indecent language or engage in any disorderly, lewd, or suggestive conduct or behavior tending to breach the public peace.
- (7) Fail to produce and exhibit any permit claimed to be granted, upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.
- (8) Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.
- (9) Erect or occupy any tent, stand, or other structure in any park or playground, or sell or give away from any tent, stand, or other structure any food, drink, or other thing, without a permit.

(Comp. Ords. Rev. 1991, § 20.809)

Sec. 62-70. – Picnic areas.

It shall be unlawful for any person or group of persons to hold a picnic in any park, except in areas set aside or specifically designated as picnic areas.

(Comp. Ords. Rev. 1991, § 20.810)

Sec. 62-71. – Closing hours.

No person shall be in any park, public area, or recreation area during the hours the park or public area is designated as closed. The Recreation Board shall adopt from time to time hours of operation for parks and public areas of the City, which shall be approved by the City Commission. The hours of operation shall be clearly posted in conspicuous places in each park, public area, or recreation area.

(Comp. Ords. Rev. 1991, § 20.811)

Sec. 62-72. – Permits, charges, and fees.

- (1) *Charges and fees.* Pursuant to the authority granted under Section 62-32, the Recreation Board shall establish from time to time fees and charges for the use of certain parks, public areas, and recreation areas to effectively carry out its programs. All fees and charges as established shall be submitted to the City Commission for formal adoption, and upon acceptance shall constitute valid and enforceable charges under this article. After adoption by the City Commission, the City Clerk shall cause a copy of the fees and charges to be kept at the City

Hall and at each park, public area, or recreational area where the fees or charges shall apply.

- (2) *Park permits.* The Recreation Board may adopt permits for the use of certain parks, public areas, or recreation areas, pursuant to the authority of Section 62-32, for picnic areas, parking, boat launch facilities, fishing, camping, or other special program usage.
- (3) *Special events permit.* A person seeking the issuance of a special events permit under this article shall file an application stating: the name and address of the person making the application; the name and address of the person sponsoring the activity, if any; the day and hours for which the permit is desired; the park, public area, recreation area, or portion thereof for which the permit is desired; any other information reasonably necessary to a determination as to whether a permit shall be issued; variances required from park rules and regulations.
- (4) *Standards, findings for issuance.* Standards for establishing fees, charges, permits, or the issuance of a special events permit shall include the following findings:
 - (a) The fees, charges, or permits are reasonable and necessary assessments to reduce the costs or to enhance the programs of the Recreation Board. Such charges, fees, or permits are reasonably related to the activity and will encourage a continuation, expansion, or enhancement of the activity, shall not create a hardship on the citizens of the area being served by the Board, nor detract from open use of parks, public areas, and recreation areas by citizens.
 - (b) The special events permit and use of the park, public area, or recreation area will not unreasonably interfere with or detract from the general public's enjoyment of the park, public area, or recreation area; that the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation; that the proposed activity or uses that are reasonably anticipated will not include violent crime or disorderly conduct; that the proposed activity will not entail extraordinary or burdensome expense or police operation by the City; that the facilities desired have not been reserved for other use on the date and hour requested in the application.
- (5) *Appeal.* At the first commission meeting following the receipt of an application for special events permit, the City Commission or its designee shall inform an applicant in writing of its decision to grant or deny a permit; in the event of a denial, the notification shall include the reason for the denial. Any aggrieved person shall have the right to appeal to the City Commission by serving written

notification thereof on the City Clerk within five (5) working days of the rejection.

- (a) The City Commission shall review and act upon the appeal at its next regular meeting. The decision of the City Commission shall be final.
 - (b) A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in the permit.
- (6) *Insurance requirements.* An applicant for a permit shall be required to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities in such amounts as may be from time to time determined prior to the commencement of any activity or issuance of any permit.
- (7) *Revocation.* The City Commission shall have the authority to revoke a special event permit upon a finding of violation of any rule or ordinance or upon good cause shown.

(Comp. Ords. Rev. 1991, § 20.812)

Sec. 72-73. – Penalty.

Any person violating any provision of this article shall be fined as prescribed in Section 1-15 of this Code.

(Comp. Ords. Rev. 1991, § 20.813)