

March 22 2021

A regular electronic meeting of the City Council was held on Monday, March 22, 2021, at 7:00 p.m. online via <https://zoom.us/join>, with Webinar ID: 840 7927 7057 ~ Password: 899754. Mayor Donker presided. The Pledge of Allegiance to the Flag was recited in unison.

Councilmen present: Steve Arnosky (remote – Midland, MI), Diane Brown Wilhelm (remote – Midland, MI), Maureen Donker (remote – Midland, MI), Pamela Hall (remote – Midland, MI), Marty Wazbinski (remote – Midland, MI)

Councilmen absent: None

MINUTES

Approval of the minutes of the March 8, 2021 regular meeting was offered by Councilman Wazbinski and seconded by Councilman Arnosky. (Motion ADOPTED by a Roll Call Voice Vote.)

MICHIGAN INDEPENDENT CITIZENS REDISTRICTING COMMISSION PRESENTATION

City Clerk, Erica Armstrong introduced Michigan Independent Citizens Redistricting Commission member, Richard Weiss who presented an introduction to City Council regarding the new redistricting process in the State of Michigan.

UPPER EMERSON PARK RIVERFRONT RENOVATION PROJECT

Director of Public Services Karen Murphy presented to City Council regarding the grant application to support Phase II of the upper Emerson Park riverfront renovation project. The public hearing opened at 7:23 p.m., recognizing no public comments, the hearing closed at 7:24 p.m. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, in accord with Sections 5.11, 11.4, and 11.6 of the Charter of the City of Midland, and after having given proper legal notice, and having conducted a public hearing on Monday, March 22, 2021, on the proposal to submit a grant application to the Michigan Natural Resources Trust Fund for \$300,000 to support Phase II of the riverfront renovation project in upper Emerson Park; and

WHEREAS, the proposed application is supported by the Community's 5-Year Approved Parks and Recreation Plan; and

WHEREAS, Parks and Recreation staff have identified adequate local matching funds totaling 30% of the project cost from the City's budget to support the grant application, consisting of \$130,000 in the FY 2021/22 Parks Capital project budget to be designated for the project; and

WHEREAS, the Parks and Recreation Commission voted unanimously at their March 2, 2021 meeting recommending support of the grant application and the future project; now therefore

RESOLVED, that the City Council hereby supports the submission of a grant application titled, "Upper Emerson Park Riverfront Walkway and Seawall Renovation", to the Michigan Natural Resources Trust Fund for \$300,000, with the aforementioned local match amount of \$130,000 (30%) of the total \$430,000 project cost reserved specifically for use toward the project during the 2021/22 fiscal year. (Motion ADOPTED by a Roll Call Voice Vote.)

PUBLIC COMMENT

Eric Anders, 1408 Lee St. commented regarding the new code of conduct for Midland Boards and Commissions.

FINANCIAL REPORT DECEMBER 31, 2020

Assistant City Manager David Keenan presented City Council with the financial report for the six-month period ending December 31, 2020. The following resolution was then offered by Councilman Hall and seconded by Councilman Brown Wilhelm:

RESOLVED, that the financial information of the City of Midland, for the six-month period ended December 31, 2020, is hereby acknowledged as being received by the Midland City Council on this date, and is ordered placed on file for public examination. (Motion ADOPTED by a Roll Call Voice Vote.)

WASTEWATER – CONCEPT 5 I&I REMOVAL INCREASE

General Supervisor of the Wastewater Treatment Plant Bruce Royce presented information to City Council regarding an increasing I&I removal in the Sanitary Sewer Improvements Concept 5 and extending the scope beyond Priority I areas. The following resolution was then offered by Councilman Hall and seconded by Councilman Arnosky:

WHEREAS, on March 8, 2020 City Council was presented with the staff recommendation of Concept 5 Sanitary Sewer System Improvements which was adopted unanimously by resolution; and

WHEREAS, City Council may desire a more aggressive approach to Infiltration and Inflow (I&I) removal in the form of sanitary sewer lining and manhole rehabilitation throughout the city; and

WHEREAS, the Asset Characterization Program performed by RedZone has identified an additional need of \$15M, outside of Priority 1 areas, of sanitary sewer lining and manhole rehabilitation with high level defects; and

RESOLVED, that City Council hereby approves an increase from \$3.2M to \$18.2M in I&I removal to the Sanitary Sewer Improvements Concept 5 and extends the scope beyond Priority 1 areas. (Motion ADOPTED by a Roll Call Voice Vote.)

DOWNTOWN MIDLAND 2021 PEDESTRIAN PLAZAS

Director of Community Affairs Selina Tisdale presented information regarding the proposed pedestrian plaza, related street closures, and other provisions for the 2021 season. Ashely Rae, 4517 Chatham Dr., Daniel Buzzell, 5010 Redfern Cir., Diane Middleton, Midland Business Alliance, Kurt Busard, 3930 E. Tupelo Dr., Julia Kepler, 4603 Cruz Dr., and Sue Moody, 1719 Sandow Rd. commented regarding the proposed resolution. The following resolution was then offered by Councilman Hall and seconded by Councilman Wazbinski:

RESOLVED, that the 2021 Pedestrian Plaza Plan from the Downtown Development Authority with associated request to close three blocks of Main Street, Gordon to Ashman and Ashman to Rodd Street including portions of McDonald Street adjacent to Main Street, utilizing the public right-of-way, amplified sound, and the addition of event signage is hereby approved from June 7 to November 3, 2021, given the following conditions:

- The responsible party and contact number for the Pedestrian Plazas is Selina Crosby Tisdale 989-837-3304.
- Event liability insurance of \$1,000,000 per occurrence, \$2,000,000 aggregate, with the City of Midland named as Additional Insured and the event specified on the certificate. The updated certificate must be submitted to the City Engineer's Office. You may fax it to 989-837-5708.
- Engineering will issue the Traffic Control Order for street closures.
- Department of Public Services barricades will remain for the street closures per Engineering's TCO.
- A minimum 15' fire lane shall be maintained on one side of the street.
- A minimum 3' clearance shall be maintained around fire hydrants, with clear access from the hydrants to the street.

- Any barricades shall be easily removable to facilitate the passage of emergency vehicles should access be required. (Motion ADOPTED by a Roll Call Voice Vote.)

DOWNTOWN MIDLAND SOCIAL DISTRICT AND COMMONS AREA

Director of Community Affairs Selina Tisdale presented information regarding the boundaries of Downtown Midland as a Social District, the designated Commons Area, and the management and maintenance plan. Chris Whitted, 5104 N. Waldo Rd. and Ashley Rae, 4517 Chatham Dr. commented regarding the proposed social district and commons area. The original resolution was then offered by Councilman Hall and seconded by Councilman Wazbinski. Following discussion, Councilman Wazbinski motioned, seconded by Councilman Arnosky to amend the resolution to allow the proposed social district until January 5, 2022. (Motion to Amend ADOPTED by a Roll Call Voice Vote). Councilman Wazbinski then motioned, seconded by Councilman Arnosky to amend the boundaries of the proposed social district to a boundary of Buttles on the northeast and Jerome on the northwest of the district. (Motion to Amend ADOPTED by a Roll Call Voice).

WHEREAS, pursuant to the authority granted by Public Act 124 of 2020, the City Council may designate by resolution Social Districts and Commons Areas, which shall be clearly marked with appropriate signage within a Social District; and

WHEREAS, the creation of a Commons Area shall include the adoption of a management and maintenance plan, which may be amended as necessary, for the protection of the health and safety of the community and includes, but is not limited to, limitations on the hours of operation for a Commons Area; and

WHEREAS, except as provided by State law, the holder of a Social District Permit issued by the Michigan Liquor Control Commission may sell alcoholic liquor for consumption within the confines of a Commons Area if both of the following requirements are met:

1. The Social District Permit holder only sells and serves alcoholic liquor on the holder's licensed premises;
2. The holder of the Social District Permit only serves alcoholic liquor to be consumed in the Commons Area in a container to which all of the following apply:
 - a. the container prominently displays the Social District Permittee's trade name or logo or some other mark that is unique to the social district permittee's on-premises license;
 - b. the container prominently displays a logo or some other mark that is unique to the Commons Area;
 - c. the container is not glass;
 - d. the container has a liquid capacity that does not exceed 16 ounces; and

WHEREAS, a purchaser may remove a container of alcoholic liquor sold by a holder of a Social District Permit from the Social District Permittee's licensed premises to the Commons Area if all of the following conditions are met:

1. The purchaser does not remove the container from the commons area;
2. The purchaser does not possess the container in a motor vehicle;
3. While possessing the container, the purchaser does not enter the licensed premises of a social district permittee other than the Social District Permittee from which the purchaser purchased the container; and

WHEREAS, the consumption of alcoholic liquor from a container in a Commons Area as allowed under this section may only occur during the hours established by the Management and Maintenance Plan for the Commons Area; and

WHEREAS, The City Council reserves the ability to revoke the Social District designation if it determines that the activities within or existence of the Commons Area threaten the health, safety, or welfare of the public or have become a public nuisance. Before revoking the designation, the City Council will hold at least one public hearing, the time and place thereof

which shall be noticed as required by the Open Meetings Act, MCL15.261 et seq., on the proposed revocation; and
WHEREAS, the City Clerk is authorized and directed to file this action setting forth the designation of the Social District and Commons Areas along with the adopted management and maintenance plans with the Michigan Liquor Control Commission; and
WHEREAS, the Downtown Midland social district and commons area is authorized until January 5, 2022; now, therefore
RESOLVED, that Midland City Council hereby designates a Social District in Downtown Midland defined by the boundaries of Jerome Street on the west, Buttles Street on the north and the established Downtown Development Authority boundaries on the east and south and the area of Main Street to Larkin Street from Gordon Street to Rodd Street as the Downtown Midland Commons Area; and
RESOLVED FURTHER, that the Downtown Midland Commons Area Operation and Management Plan is hereby adopted and approval given to the City Manager, or designee, to make minor, reasonable adjustments to the limits of the Commons Areas required by regulatory or operational requirements or to safeguard the public health, safety, and welfare. (Motion ADOPTED by a Roll Call Voice Vote YEAS: Brown Wilhelm, Donker, Hall, Wazbinski NAYS: Arnosky).

SOCIAL DISTRICT PERMITS

Director of Community Affairs Selina Tisdale provided information to City Council regarding the requests for Social District Permits and participation in the Downtown Midland Social District and Commons Area. The following resolution was then offered by Councilman Hall and seconded by Councilman Arnosky:

WHEREAS, Under Public Act 124 of 2020, Midland City Council has designated the boundaries of Downtown Midland as a Social District with an identified Commons Areas; and
WHEREAS, multiple qualified licensees have requested to be identified as businesses to be recommended for approval of a Social District Permit applications by the Michigan Liquor Control Commission; and
WHEREAS, the licensed premises of these licensees are contiguous to the Commons Areas within the designated Social Districts; and
WHEREAS, Midland City Council desires to recommend approval of the Social District Permit applications; now, therefore
RESOLVED, that Midland City Council recommends the Social District Permit applications from the following licensees for consideration and approval by the Michigan Liquor Control Commission:

1. The H Hotel MVCC Limited Partnership, 111 W. Main Street Midland, MI; Business ID 7953
2. Pizza Sam, Inc., 102 W. Main Street, Midland MI; DBA Pizza Sam; Business ID 14555
3. WhichCraft Brewing, LLC, 124 Ashman Street, Midland MI; DBA WhichCraft Tap Room; Business ID 231740
4. Gratz Restaurant in Midland, LLC & Downtown Midland Entertainment, LLC, 120 E. Main Street Midland, MI; DBA Gratz; Business ID 248553
5. Schafer Hill Ventures LLC, 101 E. Main Street Midland, MI; DBA Diamond Jim's; Business ID 221377
6. Molasses, LLC, 201 E. Main Street, Midland MI; DBA Molasses; Business ID 0262702
7. Grape Beginnings Winery, LLC, 244 E. Main Street, Midland, MI; DBA Grape Beginnings Winery; Business ID 235948

; and

RESOLVED FURTHER, that the City Clerk is authorized and directed to provide each applicant with a certification of this action in the form specified by the Michigan Liquor Control Commission. (Motion ADOPTED by a Roll Call Voice Vote.)

ANNUAL REVIEW OF LIQUOR LICENSES REPORT

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, Section 15-250 of the City of Midland Code of Ordinances directs the City Manager to cause an annual review of each liquor licensee to be submitted to the City Council; and WHEREAS, said annual review has been prepared and reports that all licensees have complied with the provisions of Article VII of Chapter 15 of the Code of Ordinances; now therefore RESOLVED, that in accord with Section 15-250 of the City of Midland Code of Ordinances, the annual review of liquor licenses is hereby received and ordered placed on file in the office of the City Clerk. (Motion ADOPTED by a Roll Call Voice Vote.)

PLANNING COMMISSION RESIGNATION

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Arnosky:

RESOLVED, that the resignation of Dave Heying as a member of the Planning Commission is hereby accepted, effective immediately, and the Administration is directed to convey the Council's appreciation to Mr. Heying for his service on this important Commission. (Motion ADOPTED by a Roll Call Voice Vote.)

WASTEWATER - PEW SYSTEM IMPROVEMENTS

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, the City's sanitary sewer system collects wastewater from residential, commercial, and industrial facilities, and ultimately flows to the Wastewater Treatment Plant (WWTP); and WHEREAS, the plant effluent water system was built in 1990, and provides process water throughout the plant for cooling, flushing and cleaning; and WHEREAS, sealed bids for Bid No. 4139, Midland WWTP PEW System Improvements have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, staff has determined that the sole bid submitted by RCL Construction Co., Inc, of Sanford, MI meets the City specifications and is acceptable; and

WHEREAS, funding has been budgeted for this purpose in the 2020/21 Wastewater Enterprise Fund - Capital Budget; now therefore

RESOLVED, that the contract be awarded to RCL Construction Co, Inc, and a purchase order in an amount not to exceed \$323,950.00 is hereby authorized for the PEW System Improvements at the Wastewater Treatment Plant Grit Recovery Building; and

RESOLVED FURTHER, that the City Manager is authorized to approve changes to the purchase order in an aggregate amount not to exceed \$20,000.00; and

RESOLVED FURTHER, that City Council authorizes the Mayor and City Clerk to sign and execute a contract, upon review and approval of the City Attorney. (Motion ADOPTED by a Roll Call Voice Vote.)

2021 REARDON & STATE STREET RECONSTRUCTION; CONTRACT NO. 05

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for street reconstruction on Reardon Street and State Street; and

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

RESOLVED, that the low sealed proposal submitted by Crawford Contracting, Inc. of Mt. Pleasant, Michigan for the "2021 Reardon & State Street Reconstruction; Contract No. 05" project, in the amount of \$366,189.50, is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; 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 \$35,000.00. (Motion ADOPTED by a Roll Call Voice Vote.)

2021 CURB REPLACEMENT & PAVEMENT PATCHING; CONTRACT NO. 06

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for curb replacement and pavement patching throughout the City of Midland; and

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

RESOLVED, that the low sealed proposal submitted by Hutch Paving, Inc. of Warren, Michigan for the "2021 Curb Replacement & Pavement Patching; Contract No. 06" project, with adjusted quantities to bring the contract amount to \$325,000.00, is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and

RESOLVED FURTHER, that the full contract amount is contingent on fiscal year 2021/2022 approved budget for this project and the contract amount shall be modified accordingly to the extent funds are appropriated. (Motion ADOPTED by a Roll Call Voice Vote.)

2021 PAVEMENT MARKING PROGRAM; CONTRACT NO. 08

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for pavement markings; and

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

RESOLVED, that the low sealed proposal submitted by PK Contracting, Inc. of Troy, Michigan for the "2021 Pavement Marking Program; Contract No. 08" project, in the amount of \$61,475.00, is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; 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 award is contingent upon approval of available funding in the 2021/2022 Major Street Fund budget. (Motion ADOPTED by a Roll Call Voice Vote.)

SET A PUBLIC HEARING TO AMEND THE 2020-21 CDBG BUDGET

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, Community Development Block Grant (CDBG) revenues totaling \$680,412 must be programmed to activities that meet federal statutory goals and the City's objectives for the CDBG program, as outlined in the FY 2020-2025 Consolidated Plan; and

WHEREAS, the CDBG budget required an amendment to meet environmental and program timeliness requirements, and

WHEREAS, on March 8, 2021, the Housing Commission unanimously recommended approval of the proposed amendments to the FY 2020-21 CDBG budget, to reallocate the current fiscal year's funds, which meets said goals, objectives, and requirements of the CDBG program; and WHEREAS, it is necessary to provide an opportunity for public input on the proposed expenditure of said funds following the required 7-day public comment period that was initiated by City staff on or before March 24, 2021; now therefore RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m., Monday, April 12, 2021, in the Council Chambers of City Hall or virtually due to the coronavirus pandemic on the proposal to amend the 2020-21 Community Development Block Grant (CDBG) budget.

2020-21 CDBG Proposed Amendments

Revenue	Approved Budget	Proposed Budget
HUD 2020-21 Entitlement	\$224,774	\$224,774
CDBG-CV Allocation	\$132,247	\$132,247
Program Income	\$20,000	\$20,000
Prior Year Carry-Forward	\$303,391	\$303,391
TOTAL	\$680,412	\$680,412
Expenditures	Approved Budget	Proposed Budget
Planning and Administration		
	\$49,500	\$49,500
Affordable Housing		
Huntley Site Clearance	\$0.00	\$30,000
Housing Rehabilitation		
Home To Stay - Health & Safety Home Repairs	\$29,300	\$29,300
HTS/HFH Collaborative Roofing Initiative	\$99,000	\$69,000
TOTAL	\$128,300	\$98,300
Public Facility Improvements		
Grove Park Improvements	\$30,000	\$30,000
Cleveland Manor - Kitchen & Bath Renovation	\$100,000	\$100,000
Washington Woods - Energy Efficiency	\$225,646	\$225,646
TOTAL	\$355,646	\$355,646
Public Services		
MidMichigan Health - Drive-thru Testing	\$6,000	\$6,000

MidMichigan Health - Covid Telehub	\$13,837	\$13,837
Legal Services of E. MI - Fair Housing Testing	\$4,500	\$4,500
TOTAL	\$24,337	\$24,337
Contingency	\$9,965	\$9,965
Expenditures Sub-Total	\$567,748	\$567,748

(Motion ADOPTED by a Roll Call Voice Vote.)

SET A PUBLIC HEARING TO APPROVE THE 2021-22 CDBG BUDGET

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, Community Development Block Grant (CDBG) revenues totaling \$267,944 must be programmed to activities that meet federal statutory goals and the City’s objectives for the CDBG program, as outlined in the FY 2020-2025 Consolidated Plan; and
 WHEREAS, the CDBG budget required an amendment to meet environmental and program timeliness requirements, and
 WHEREAS, on March 8, 2021, the Housing Commission unanimously recommended approval of the proposed FY 2021-22 CDBG budget, which meets said goals, objectives, and requirements of the CDBG program; and
 WHEREAS, it is necessary to provide an opportunity for public input on the proposed expenditure of said funds following the required 30-day public comment period that was initiated by City staff on or before March 24, 2021; now therefore
 RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m., Monday, April 26, 2021, in the Council Chambers of City Hall or virtually due to the coronavirus pandemic on the proposal 2021-22 Community Development Block Grant (CDBG) budget.

Proposed 2021-22 CDBG Budget

Revenue	Proposed Budget
HUD 2020-21 Entitlement	\$212,944
Program Income	\$20,000
Prior Year Carry-Forward	\$35,000
TOTAL	\$267,944
Expenditures	Proposed Budget
Planning and Administration	
	\$46,000
Affordable Housing	
Midland County Habitat for Humanity - Vacant Property Acquisition	\$30,000

Housing Rehabilitation	
Home To Stay - Accessibility Modification or Mobile Home Repair Program	\$10,000
Midland County Habitat for Humanity - Home Repair	\$50,000
TOTAL	\$60,000
Public Facility Improvements	
Washington Woods - Energy Efficiency	\$57,000
TOTAL	\$57,000
Public Services	
Legal Services of E. MI - Fair Housing Testing	\$4,500
TOTAL	\$4,500
Neighborhood Improvements	
City of Midland - Improvements to public spaces in targeted neighborhoods	\$65,444
Contingency	\$5,000
Expenditures Sub-Total	\$267,944

(Motion ADOPTED by a Roll Call Voice Vote.)

Being no further business the meeting adjourned at 11:03 p.m.

Erica Armstrong, City Clerk