

## DOWAGIAC CITY COUNCIL MEETING

Monday, October 27, 2014

A regular meeting of the Dowagiac City Council was called to order by Mayor Lyons at 7:00 p.m.

Mayor Lyons led the Pledge of Allegiance to the flag.

**PRESENT:** Mayor Donald D. Lyons, Mayor Pro-Tem Leon D. Laylin; Councilmembers Bob B. Schuur, Charles K. Burling, Lori A. Hunt, and James B. Dodd.

**ABSENT:** Randall G. Gross, Sr.

**STAFF:** City Manager Kevin P. Anderson, City Manager; Rozanne H. Scherr, Assistant City Manager.

Councilmember Dodd moved and Councilmember Hunt seconded that the minutes of the October 3, 2014 special meeting and the October 13, 2014 regular meeting be approved.

Approved unanimously.

### COMMUNICATIONS

1. Communication from the Greater Dowagiac Chamber of Commerce to host the Dowagiac Old Fashioned Christmas Celebration on November 14-16, 2014, the Candle-light Parade on December 5, 2014, and Small Business Saturday on November 29, 2014.

Councilmember Schuur moved, and Councilmember Burling seconded, to grant the request.

### RESOLUTIONS

1. Resolution to authorize the continuance of the Tree Removal Program.

Councilmember Hunt offered and moved the adoption of the following resolution; seconded by Councilmember Laylin.

**WHEREAS,** On September 12, 2011, City Council approved a tree removal policy to address the problem of Emerald Ash Bore within the City which has caused numerous trees to die, and;

**WHEREAS,** diseased trees can create a dangerous situation in the right-of-way as well as pose a significant liability to individual property owners, and;

**WHEREAS,** the City is responsible for and will take care of trees within the street right-of-way, and;

DOWAGIAC CITY COUNCIL MEETING

Monday, October 27, 2014

Page Two

**WHEREAS,** the City recognizes that the cost to remove large Emerald Ash trees can be a barrier for property owners and wishes to modify and extend the tree removal policy that expired on September 30, 2014.

**NOW, THEREFORE, BE IT RESOLVED** that in an effort to assist property owners in this matter, City Council does hereby modify and extend the following policy:

1. Staff will solicit proposals from qualified, insured tree removal firms with the goal of receiving a quantity discount that will be passed directly onto homeowners.
2. The eligibility requirements of the Design Review Committee for the Housing Incentive Program will be amended to allow for a grant of up to \$200 per tree removal up to a maximum of three (3) trees removed per lot.
3. If the cost to the homeowner is less than \$500, the homeowner will be eligible to voluntarily place a special assessment on their property for up to two (2) years. If the cost is greater than \$500, the homeowner shall have the opportunity to voluntarily place a special assessment on their property for up to three (3) years. An interest rate of 2% shall be placed on the special assessments.
4. The program will be available on a first come, first serve basis. Funds are available for up to a total of 10 tree removals in the city each year.
5. The program will be in place for two (2) years ending in September 2016.
6. Staff will advertise to homeowners the availability of these discounted rates and incentives via the utility billing inserts, press releases, the City's website and other appropriate means.

ADOPTED unanimously.

2. Resolution to authorize and direct the City Treasurer to pay the following bills and payroll due:

Councilmember Schuur offered and moved the adoption of the following resolution; seconded by Councilmember Burling.

**WHEREAS,** the following information has been reviewed by the City Manager and City Treasurer and is being presented to City Council with a recommendation to approve invoices and payroll #2 for the period ending 10/23/14:

DOWAGIAC CITY COUNCIL MEETING

Monday, October 27, 2014  
Page Three

Invoices FY 2013-14	\$30,554.99
Invoices FY 2014-15	\$64,178.82
Payroll	<u>\$116,316.04</u>
Total	\$211,049.85

**BE IT RESOLVED** that the City Manager and City Treasurer are hereby authorized and directed to pay the following bills and payroll due:

<u>BILLS</u>	<u>PAYROLL</u>	<u>TOTAL</u>
\$94,733.81	\$116,316.04	\$211,049.85

ADOPTED on a roll call vote.

Ayes: Five (5) Burling, Dodd, Hunt, Laylin, Schuur

Nays: None (0)

Absent: One (1) Gross

Abstain: None (0)

**ORDINANCES**

Second reading of an ordinance to approve the rezoning of 512 Keene Avenue from "R-2" residential to "OS" Office Service.

**ORDINANCE NO. \_\_\_\_\_, 2014**

**ORDINANCE-----**

AN ORDINANCE TO AMEND SECTION 22.5 (C) (6), MAP OF CHAPTER 22, CHANGES AND AMENDMENTS, OF THE DOWAGIAC CITY CODE BY AMENDMENT OF THE ZONING MAP.

**THE CITY OF DOWAGIAC ORDAINS:**

Section 1: That Section 22.5 (C) (6) of Chapter 22, of the Dowagiac Zoning Code is hereby amended by changing the official zoning map as follows:

"Designate as "OS – Office Service," certain described property in the City of Dowagiac, County of Cass, State of Michigan, more specifically described in Appendix "A", attached hereto and incorporated herein by reference "

DOWAGIAC CITY COUNCIL MEETING

Monday, October 27, 2014

Page Four

Section 2: That this ordinance shall take full force and effect immediately upon its publication in a newspaper of general circulation within the City of Dowagiac.

Moved by: Dodd

Seconded by: Schuur

ADOPTED on a roll call vote.

Ayes: Five (5) Burling, Dodd, Hunt, Laylin, Schuur

Nays: None (0)

Absent: One (1) Gross

Abstain: None (0)

COMMENTS FROM CITY OFFICIALS

RESOLUTIONS (continued)

3. Resolution to adjourn to closed session to discuss strategies to deal with litigation.

Councilmember Schuur offered and moved the adoption of the following resolution; seconded by Councilmember Dodd.

**WHEREAS**, the Michigan Open Meetings Law, Public Act 267 of the Public Acts of 1976 as amended, provides that public bodies may meet in closed session for the purpose of discussing litigation; and

**WHEREAS**, the Mayor and City Council desire to meet with the City Manager to discuss litigation.

**NOW, THEREFORE, BE IT RESOLVED** the City Council will hereby adjourn to closed session to discuss litigation.

ADOPTED on a roll call vote.

Ayes: Five (5) Burling, Dodd, Hunt, Laylin, Schuur

Nays: None (0)

Absent: One (1) Gross

Abstain: None (0)

DOWAGIAC CITY COUNCIL MEETING

Monday, October 27, 2014

Page Five

CLOSED SESSION

TIME: 7:16 PM

LATER: 8:16 PM

Upon motion by Councilmember Laylin and seconded by Councilmember Burling, the Dowagiac City Council adjourned at 8:16 PM.

---

Donald D. Lyons, Mayor

---

Rozanne H. Scherr, Assistant City Manager