

MINUTES

I. Call to Order

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

II. Roll Call

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

ABSENT Mayor Sean Denison

STAFF City Manager, Heather Grace; City Clerk, Barbara Pitcher; Treasurer, Stephanie Powers; Interim Director of Public Works, Mike Baker; Police Chief, Tim Ganus

GUESTS Karin Falkenstein, Debra Haight, Anne Tuite, Richard Martin, Fran Terry, Rebecka Hoyt, Norma Ferris, Ralph McDonald, Dale Toerne, Megan Weedon, Steve Bornell, Kim Moyer and 3 others

III. Approve Agenda

Amend agenda to remove item X.

Motion made by Commissioner Swem, Seconded by Commissioner Money to accept the agenda as amended. Roll call vote carried unanimously.

Voting Yea: Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

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

Doyle Vergon, 114 Lake - Spoke regarding City trees causing damage in a recent storm and provided photos of said damage. Believes the City should be responsible for maintaining the trees and the damage.

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

A. Approve Meeting Minutes

July 12, 2021, Regular Meeting; July 20, 2021, Special Meeting

B. Approve Expenditures for July 26, 2021, in the amount of \$487,371.00

Includes Summer Tax Distribution checks in the amount of \$387,751.67 (Lake Michigan College \$19,938.35, Berrien County Treasurer \$94,752.73, Berrien Resa \$20,837.62, Dial-A-Ride \$8,733.54, Buchanan Schools \$76,023.74 and City of Buchanan \$167,465.69). Other payment of note: Custom Computer Company for \$26,899.00.

C. Accept Staff Activity Reports - Period Ending July 7, 2021

D. Accept Staff Activity Report - Period Ending July 21, 2021

Motion made by Commissioner Money, Seconded by Commissioner Downey to accept the consent agenda as presented. Roll call vote carried unanimously.

Voting Yea: Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

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

None.

VII. Reports by: Departments, Committees, Boards

A. Community Development Department Report

Social District Update - Community Development Director Rich Murphy provided a written update related to the City's pending Social District, including recent verification from the Michigan State Liquor Control Commission that the City can reimburse applications for their application fees.

The Buchanan Social District as created by the City Commission was approved by the State of Michigan. Our first applicant, B & W Old Village Inn has applied to opt into the Buchanan Social District. After several meetings and calls with the other two downtown Buchanan licensees, we believe that one licensee will move forward to apply very soon. We are having ongoing discussions with the licensees to encourage them to opt into the Social District. As discussed with you throughout the process, once the licensee applicants applied and were approved to opt into the Social District, I intended to ask the Commission to reimburse them for the application fees of \$250 and \$70. LARA has confirmed to me that there is nothing that prohibits us from doing this. Once we have two licensees that have opted in the Buchanan Social District, I will ask the Commission to fund the nominal cost of going live as a Social District which includes the first round of cups, signage, and waste receptacles.

Developer's Toolkit Update - Director Murphy provided an update regarding the progress of his work to finalize the underlying paperwork necessary to implement the City's plans for new "Developer's Toolkit" programs, such as façade grants, etc.

As we speak, I am writing the economic development incentive programs that I have presented to you in concept. I am writing them in real-time while I have discussions with real investors who are interested in investment opportunities in Buchanan. The goal is to make every dollar leveraged by investors into Buchanan have the biggest bang for the buck. The next steps are to have the proposed programs be reviewed by legal and then be presented to the City Commission for their consideration, feedback, and approval. After that, the programs will hit the market and be available to engage the investment community to choose Buchanan.

B. Planning Commission Report

Director Murphy provided a written report on the Planning Commission's recent approval of the Special Use Permit for Zen Leaf, as well as provide a progress report that this issue will be placed on a future agenda after we receive the updated marijuana permit application from Zen's attorney. Consequently, no action is required from the City Commission at this point.

It is my understanding and I have asked the city attorney to clarify that a Special Use Permit for Adult Use Marijuana Retailer only needs Plan Commission approval and does not need City Commission approval. Example, on July 12, 2021, Zen Leaf petitioned for and received approval from Plan Commission for a Special Use Permit for an expansion of their existing adult-use marijuana retail business at 259 E. Front St. to expand to the adjacent building at 257 E. Front St.

It is my understanding and I have asked the city attorney to clarify that the Zen Leaf expansion may require their existing permit to be amended to allow them to expand to the adjacent address.

An Adult Use Marihuana Retail Permit (or an amendment thereof to allow the existing Zen Leaf Adult-Use Retail Permit to include the expansion of the existing store to 257 E. Front St.) needs to be approved by a majority of the City Commission.

C. Landfill Board Report

Consider Appointment of City Manager Heather Grace to the Southeast Berrien County Landfill Board - Landfill Board Member & Commissioner Patrick Swem reports that the Landfill Board has voted to recommend that the City of Buchanan appoint City Manager Heather Grace to serve as the City's second member on the Landfill Board.

Downey expressed concern that City Manager Grace is spread too thin. City Manager Grace responded that she currently serves in some capacity on approximately 21 boards and her roles on those boards can be reevaluated.

Motion made by Commissioner Swem, Seconded by Commissioner Money to appoint City Manager Grace to represent the City of Buchanan on the Southeast Berrien County Landfill Board. Roll call vote carried unanimously.

Voting Yea: Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

D. Buchanan Area Fine Arts Council

At their regular meeting on July 8, 2021, the Buchanan Area Fine Arts Council (BAFAC) voted to recommend to the City Commission they consider approving the following appointments and reappointments:

Reappoint Kelly Carlin and Trevor Hough to 4-year terms, retroactive to July 1, 2021

Reappoint Alice Kring, Karin Falkenstein, and Lee Lyon to 4-year terms, effective July 1, 2021

Appoint Honorable Patricia A. Moore to the board with a 4-year term, effective July 1, 2021

The BAFAC currently has 6 vacancies; 1 Buchanan Township, 1 Niles Township, 1 School Corporation, and 2 Members at Large.

Consider Resolutions Regarding Name Change - The BAFAC also reports that its Board has voted to rescind its previous requestion to change its name from the Buchanan Area Fine Arts Council to the Buchanan Area Performing Arts Council. With approval from the Commission, City Administration will work to prepare updated Resolutions reflecting this subsequent name change, as the previously requested name change was already approved and memorialized in past Resolutions, and thus will need to be updated.

Clerk Pitcher pointed out that the reappointments of Carlin and Hough should actually read 2020 instead of 2021.

Motion made by Commissioner Swem, Seconded by Commissioner Downey to approve the name change to Buchanan Area Fine Arts Council. Roll call vote carried unanimously.

Voting Yea: Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

Motion made by Commissioner Swem, Seconded by Commissioner Downey to reappoint Kelly Carlin and Trevor Hough to 4-year terms, retroactive to July 1, 2020; reappoint Alice Kring, Karin Falkenstein, and Lee Lyon to 4-year terms, effective July 1, 2021; and appoint Honorable Patricia A. Moore to the board with a 4-year term, effective July 1, 2021. Roll call vote carried

unanimously.

Voting Yea: Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

E. Buchanan Tree Friends

Discuss plans to plant 50 trees and the proposed tree planting sites for the Great Lakes Restoration Initiative tree planting grant, October 16, 2021.

ReLeaf Michigan will seek to find Black Gum, Tuliptree, River Birch, American Hophornbeam, Bald Cypress, Red Maple, Sugar Maple, Hackberry, Swamp White Oak, Basswood, Littleleaf Linden, Princeton Sentry Ginkgo, Downy Hawthorn, Hawthorn, Serviceberry, and Crabapple trees. ReLeaf will competitively bid the trees with wholesale nurseries. The tree purchasing budget must adhere to the US Forest Service budget limitations for the cost and the delivery of the trees. The tree bids specify one and a half-inch to two-inch caliper diameter trees.

Motion made by Commissioner Downey, Seconded by Commissioner Money to approve the proposed plantings by the Buchanan Tree Friends. Roll call vote carried unanimously.

Voting Yea: Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

VIII. **Unfinished Business**

A. Update on Storm Sewer Issues on Third Street at Redbud

Item removed from agenda.

IX. **New Business**

A. Closed Session to Discuss Matters Subject to Attorney-Client Privilege

Consider a motion to go into Closed Session to discuss matters subject to attorney-client privilege, pursuant to MCL 15.268 Sec. 8(h).

Motion made by Commissioner Swem, Seconded by Commissioner Money to go into Closed Session to discuss matters subject to attorney-client privilege, pursuant to MCL 15.268 Sec. 8(h). Roll call vote carried unanimously.

Voting Yea: Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

The Commission entered closed session at 7:32 p.m.

Motion made by Commissioner Money, Seconded by Commissioner Downey to resume the open meeting at 9:03 p.m. Roll call vote carried unanimously.

Voting Yea: Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

Motion made by Commissioner Swem, Seconded by Commissioner Downey to allow City Manager Grace to follow the recommendations of the City Attorney with regard to leased property as discussed in closed session. Roll call motion carried unanimously.

Voting Yea: Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

B. Consider Approval of Employment Agreements

Draft employment agreements for select staff will be submitted to the Commissioners for consideration for approval. Said agreements were drafted to clarify the employment relationships between select employees and the City of Buchanan and include provisions designed to implement the compensation-related expenditures approved in the 2021/2022 Fiscal Year Budget, including the following: transition to a salaried position with no compensatory time at a rate of \$51,000 annually for both the Treasurer and the Clerk; transition of the Chief of Police to the position of “Director of Public Safety/Chief of Police” with an increase in pay of 5%; memorialization of the Community Development Director’s current pay and compensation, and the transition of the Building Inspector Position to include a 3% increase in pay as well as increased part-time hours.

Motion made by Commissioner Swem, Seconded by Commissioner Money to authorize the City Manager to follow the recommendations of the City Attorney regarding employment agreements as discussed in closed session. Roll call vote carried unanimously. Voting Yea: Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

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

None.

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

XII. Executive Comments

A. City Manager Comments

Thanked those who stayed for the entire meeting.

B. Commissioner Comments

Commissioners Money and Downey had no comments.

Commissioner Swem - Received his letter from Michiana Recycling & Disposal today, so hopefully, everyone will get theirs soon if not already. Was pleased by the great turnout for the Chippewa Project at the Common last Thursday.

Mayor Pro Tem Weedon - Apologized on behalf of the City for the missteps in communication regarding the transition in waste and recycling companies. Although there was advanced communication, it could have been improved and the City will do better in the future.

XIII. Adjourn

Being no further business, motion made by Commissioner Money, Seconded by Commissioner Swem to adjourn the meeting at 9:08 p.m. Roll call vote carried unanimously.

Voting Yea: Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

Barbara A. Pitcher, City Clerk

Mayor Sean Denison