

MINUTES OF THE ST. JOSEPH CITY COMMISSION MEETING HELD IN THE COMMISSION CHAMBERS, CITY HALL, ST. JOSEPH, MICHIGAN ON JUNE 17, 2013.

PRESENT: MAYOR PRO TEM GAREY  
COMMISSIONERS CHICKERING, GOFF AND RICHARDS  
INTERIM CITY MANAGER JOHN HODGSON  
CITY ATTORNEY LAURIE SCHMIDT  
CITY CLERK DEB KOROCCH

ABSENT: MAYOR JUDD

Mayor Pro Tem Garey called the meeting to order at 6:00 p.m.

Mayor Pro Tem Garey led the Pledge of Allegiance.

**Commissioner Chickering;** seconded by Commissioner Richards, moved approval of the June 17, 2013 Agenda, as presented. Roll call resulted as follows: Yeas: Commissioner Chickering, Mayor Pro Tem Garey, Commissioners Goff and Richards. Nays: None. Absent: Mayor Judd. Motion carried.

Mayor Pro Tem Garey called for public comment. Ms. Ann Kitron of 608 Market Street asked to be heard regarding the proposed amendment to the Zoning Ordinance; she stated that it was necessary for her to leave the meeting prior to discussion of agenda item 11, but she wanted the record to reflect that she is in favor of the elimination of Short-term rentals in R1 and R2 districts.

Mayor Pro Tem Garey presented the June 17, 2013 Consent Agenda:

- Disbursements paid since June 1, 2013 in the amount of \$997,532.10
- Minutes of June 3, 2013 Regular Meeting
- Special Event Vendor for July 4, 2013 – Neon Glow Necklaces in Lake Bluff and Lions Parks
- Seasonal Day Vendor – 202 State Street
- Payment Service Network Inc. – Service Agreement for Water Payments
- Downtown Development Authority – Appointment of Phil Kalamaros

**Commissioner Richards;** seconded by Commissioner Goff, moved approval of the June 17, 2013 Consent Agenda, as presented. Roll call resulted as follows: Yeas: Commissioner Chickering, Mayor Pro Tem Garey, Commissioners Goff and Richards. Nays: None. Absent: Mayor Judd. Motion carried.

The Finance Director presented the following final amendments to the 2012-2013 Fiscal Year Budget for consideration:

Minutes of the St. Joseph City Commission Meeting – June 17, 2013

Fund	Department Project	From	To	Net Change	Notes
General Fund	Revenues	32,500	22,000	(10,500)	Summer Recreation and Interest Earned
Personnel	Expenditures	40,000	41,000	1,000	Blossomtime/Welcome Center
Police	Expenditures	27,300	29,300	2,000	Supplies
Fire	Expenditures	-	10,000	10,000	Maintenance
Welcome Center	Expenditures	30,000	45,000	15,000	
Parks	Expenditures	35,000	45,000	10,000	
Transfers Out	Expenditures	-	70,100	70,100	
Perpetual Care	Expenditures	25,000	40,000	15,000	Transfer current and prior year
Streets	Revenues	147,000	127,000	(20,000)	Overestimate ACT 51
Streets	Expenditures	177,900	153,400	(24,500)	Overestimate Transfer out to Local Streets
Local Streets	Revenues	172,900	194,300	21,400	Overestimate Transfer from Streets
Street Improvement	Revenues	150,000	50,000	(100,000)	Eliminated transfer from Special Projects
Cemetery Operating	Revenues	100,200	105,200	5,000	Overestimated revenues from lot sales
Cemetery Operating	Expenditures	64,800	74,800	10,000	Underestimated salary cost
Inspections	Revenues	125,900	165,000	39,100	Underestimated building permit fees
Inspections	Expenditures	-	7,500	7,500	New seasonal position created
Drug Forfeitures	Expenditures	-	300	300	Underestimated expenditures
Criminal Forfeitures	Expenditures	1,200	3,700	2,500	Underestimated expenditures
Library	Expenditures	8,200	18,200	10,000	Underestimated expenditures
Justice Training	Expenditures	2,000	2,500	500	Underestimated expenditures
Special Projects	Expenditures	796,500	741,100	(55,400)	Eliminated transfer to Street Improvements
Ice Arena	Expenditures	6,700	14,900	8,200	Underestimated expenditures
Sewer Operating	Expenditures	800,000	875,000	75,000	Underestimated Sanitation Fees
Water Operating	Expenditures	281,000	293,500	12,500	Underestimated Debt Service/Project Complete
City Water Operating	Expenditures	-	8,000	8,000	Underestimated expenditures

**Commissioner Goff;** seconded by Commissioner Richards, moved approval of the amendments to the 2012-2013 Fiscal Year Budget, as presented. Roll call resulted as follows: Yeas: Commissioner Chickering, Mayor Pro Tem Garey, Commissioners Goff and Richards. Nays: None. Absent: Mayor Judd. Motion carried.

The Interim City Manager presented the following amendment to the Zoning Ordinance:

**CITY OF ST. JOSEPH  
BERRIEN COUNTY, MICHIGAN**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ST. JOSEPH, MICHIGAN**

**THE CITY OF ST. JOSEPH ORDAINS:**

The Zoning Ordinance of the City of St. Joseph, Michigan is hereby amended as follows:

1. Article IV, Section 4.6.3, Table 4-1 is hereby amended by replacing the existing text within the column labeled "Permitted District" within the row labeled "Lodging/Accommodations" with the following:

- a. “P” in C, D  
“PUD” in W
  - b. “S” in R1, R2, R3  
“PUD” in W
  - c. “C” in R3, W  
“P” in all zoning Districts; Temporary Use (see requirements of Chapter 8 of the St. Joseph Code of Ordinances)”
2. Article IV, Section 4.6.4, Table 4-2 is hereby amended by deleting the letter “S” and superscript “7” from the columns labeled “R1” and “R2” within the row labeled “Lodging and Accommodations, Short-term Rental”.
  3. Article XI, Section 11.12.11.B is hereby amended by deleting the existing text and inserting the following:

“Reserved for Future Use.”

This ordinance shall take effect 10 days after its final passage.

Discussion ensued. Mark Miller of 445 Ridgeway, Phil Hegg of 912 State Street, Chris Carmichael of 909 Lions Park Drive, Jack Sanderson of 804 Lake Lane and Bill Wallace of 810 Lions Park Drive spoke in favor of the ordinance amendment which would eliminate short-term rentals as a Special Use in R1 and R2 Districts; John Carolla of 608 Vine Street, Suzanne Wattles of 724 Vine Street and George Barfield of 597 Summer Ridge Parkway spoke in opposition to the proposed ordinance amendment.

Commissioner Richards stated that he was in favor of the amendment asserting that short-term rentals did not promote the developing of neighborhoods. Commissioner Goff stated that neighborhood preservation was her top priority and that owner occupied homes were generally better maintained and contributed to the positive character of the neighborhood. Commissioner Chickering observed that the ordinance amendment being considered did nothing to address problems associated with current short-term rental properties and that she would like to see staff address both tighter restrictions and better enforcement of short-term rental regulations. Mayor Pro Tem Garey commented that the majority of short-term rental violations seemed to be frequent smaller inconveniences that neighbors were forced to adapt to, rather than glaring incidents requiring police action; collectively these tended to wear down the neighbors.

Finding that the proposed ordinance amendment meets the conditions set forth in Section 22.3 of the Zoning Ordinance, **Commissioner Richards**; seconded by Commissioner Goff, moved that the proposed foregoing ordinance be approved and given its first reading and that the second reading be scheduled for July 8, 2013. Roll call resulted as follows: Yeas: Commissioner Chickering, Mayor Pro Tem Garey, Commissioners Goff and Richards. Nays: None. Absent: Mayor Judd. Motion carried.

The City Engineer presented a proposal from Wachs Water Services to conduct a city-wide unidirectional flushing program at a cost of \$107,500. He stated that Wachs Water Services had previously conducted a valve location project and a hydrant assessment project and that this was the third and final phase of this project.

**Commissioner Richards;** seconded by Commissioner Chickering, moved approval of the proposal from Wachs Water Services to conduct a unidirectional flushing program at a cost of \$107,500. Roll call resulted as follows: Yeas: Commissioner Chickering, Mayor Pro Tem Garey, Commissioners Goff and Richards. Nays: None. Absent: Mayor Judd. Motion carried.

The Building Inspector and the Code Enforcement Officer reported on the status of the Property Maintenance Program; they stated that 250 violation letters had been mailed to property owners on Friday, June 14<sup>th</sup>. Homeowners had approximately one year to remedy violations.

The Public Works Director reported on the Indiana & Michigan Electric Line Clearing Project planned for portions of the City and asked the City Commission to consider authorizing staff to issue a permit allowing I&M to begin work as agreed upon.

**Commissioner Chickering;** seconded by Commissioner Richards, moved approval of the 2013 Indiana & Michigan Electric Line Clearing Project and authorized staff to issue a permit to begin work as agreed upon. Roll call resulted as follows: Yeas: Commissioner Chickering, Mayor Pro Tem Garey, Commissioners Goff and Richards. Nays: None. Absent: Mayor Judd. Motion carried.

The Public Safety Director presented Resolution 13-22 for consideration:

**Resolution 13-22  
CITY OF ST. JOSEPH  
COUNTY OF BERRIEN  
RESOLUTION ADOPTING THE BERRIEN COUNTY HAZARD MITIGATION PLAN**

**WHEREAS,** the City of St. Joseph is aware of the damages done, the number of lives lost and the costs associated with unforeseen disasters; and

**WHEREAS,** the City of St. Joseph recognizes that disasters in Berrien County have damaged commercial, residential, and public properties, displaced citizens and businesses, closed streets and bridges and presented general public health and safety concerns; and

**WHEREAS,** the City of St. Joseph recognizes the need to plan for and mitigate the damage caused by these disasters throughout Berrien County.

**WHEREAS,** Berrien County, in cooperation with each local unit of government, has prepared a Hazard Mitigation Plan that presents options to reduce the overall damage and impact from hazards affecting Berrien County and its local units; and

**WHEREAS,** the Hazard Mitigation Plan has been made available to the general public, business owners and federal, state and local agencies and has been revised to reflect their concerns;

**NOW, THEREFORE, BE IT RESOLVED THAT** the City of St. Joseph adopts the Berrien County Hazard Mitigation Plan as an official plan.

**BE IT FURTHER RESOLVED, THAT** the City of St. Joseph will choose a representative to sit on the disaster committee and/or hazard mitigation sub-committee and that the City of St. Joseph will continue to participate in the on-going efforts to implement and update the plan.

**Commissioner Richards;** seconded by Commissioner Chickering, moved approval of Resolution 13-22, as presented. Roll call resulted as follows: Yeas: Commissioner Chickering, Mayor Pro Tem Garey, Commissioners Goff and Richards. Nays: None. Absent: Mayor Judd. Motion carried.

The Interim City Manager distributed a draft Electronic Mail Retention Policy and asked members of the City Commission to review the document for consideration at their next regular meeting on July 8, 2013.

The Interim City Manager then noted that there was an error in the 2013 City Calendar and that the next regular meeting was July 8, 2013 not July 1<sup>st</sup> as printed in the calendar.

Mayor Pro Tem Garey presented Resolution 13-23 for consideration:

**Resolution 13-22  
CITY OF ST. JOSEPH  
COUNTY OF BERRIEN  
RESOLUTION WELCOMING THE CITY OF FRANKENMUTH**

**WHEREAS,** each year city governments hold a Mayors Exchange Day as part of the celebration of Michigan Week; and

**WHEREAS,** on Monday, June 24, 2013, the City of Frankenmuth will be coming to the City of St. Joseph to visit and tour the community; and

**WHEREAS,** the City of St. Joseph wishes to extend a warm welcome to the City of Frankenmuth; and

**WHEREAS,** the St. Joseph City Commission formally appoints Mayor Gary Rupprecht as the acting Mayor of the City of St. Joseph on Monday, June 24, 2013; and

**WHEREAS,** Mayor Gary Rupprecht shall be reimbursed for his services in the amount of \$13.70; and

**WHEREAS,** the City of St. Joseph anticipates a wonderful exchange with the City of Frankenmuth; now

**THEREFORE, BE IT RESOLVED,** I, Mayor Robert Judd do hereby proclaim Gary Rupprecht as Mayor of the City of St. Joseph on June 24, 2013.

Made and passed this 17<sup>th</sup> day of June, 2013.

**Commissioner Goff;** seconded by Commissioner Chickering, moved approval of Resolution 13-23, as presented. Roll call resulted as follows: Yeas: Commissioner Chickering, Mayor Pro Tem Garey, Commissioners Goff and Richards. Nays: None. Absent: Mayor Judd. Motion carried.

Mayor Pro Tem Garey stated the City Manager background check was now complete and the final report revealed no variations from the actual resume regarding education or prior professional experience and no issues of concern.

**Commissioner Chickering;** seconded by Commissioner Richards, moved to establish that the contingency placed on the June 3, 2013 approval of the City Manager contract has been satisfied and the contract be accepted effective July 1, 2013. Roll call resulted as follows: Yeas: Commissioner

Chickering, Mayor Pro Tem Garey, Commissioners Goff and Richards. Nays: None. Absent: Mayor Judd. Motion carried.

**Commissioner Richards;** seconded by Commissioner Goff, moved to go into Closed Session at 8:08 p.m. for the purpose of reviewing a legal opinion and to approve previous Closed Session minutes. Roll call resulted as follows: Yeas: Commissioner Chickering, Mayor Pro Tem Garey, Commissioners Goff and Richards. Nays: None. Absent: Mayor Judd. Motion carried.

**Commissioner Goff;** seconded by Commissioner Richards, moved to close the Closed Session at 8:35 p.m. Roll call resulted as follows: Yeas: Commissioner Chickering, Mayor Pro Tem Garey, Commissioners Goff and Richards. Nays: None. Absent: Mayor Judd. Motion carried.

There being no further business, Mayor Pro Tem Garey moved to adjourn the meeting at 8:36 p.m.

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Mayor Pro Tem

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City Clerk