



AGENDA

REGULAR MEETING OF THE PARCHMENT CITY COMMISSION

JUNE 20, 2016

7 P.M.

PARCHMENT CITY COMMISSION

MAYOR ROBERT B. HEASLEY

VICE MAYOR ROBERT D. BRITIGAN III

COMMISSIONER TERRY HAGEMAN

COMMISSIONER DOUGLAS FOOY

COMMISSIONER JON HEASLEY

COMMISSIONER DAVID KINSEY

OFFICERS

CITY MANAGER DENNIS DURHAM

CITY ATTORNEY ROBERT SOLTIS

CITY TREASURER/CLERK SHANNON STUTZ

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

A. City Commission Regular Meeting Minutes of June 6, 2016 - Accept

4. ADDITIONS OR CHANGES TO THE AGENDA

5. CITIZEN COMMENTS

Persons wishing to address the City Commission on items not already an agenda item, will be allowed five minutes. Please state your name and address for the record. If you require special accommodation, please notify the Clerk.

6. CONSENT AGENDA

Items included on the consent agenda will be dealt with upon one vote by the City Commissioner unless a Commissioner requests an item be dealt with individually.

A. Motion to APPROVE as indicated:

i. Warrant No. 1311 – Information Only

7. UNFINISHED BUSINESS
8. NEW BUSINESS
 - A. Filling City Commission Vacancy - Approve
 - B. Proposed Ordinance Prohibiting Panhandling – Schedule for Approval
9. BOARD AND COMMISSION REPORTS/MINUTES
10. MAYOR AND COMMISSIONER COMMENTS
11. CITY MANAGER COMMENTS/REPORTS
12. ADJOURNMENT

**MINUTES OF THE REGULAR MEETING OF THE PARCHMENT CITY
COMMISSION HELD ON MONDAY JUNE 6, 2016.**

1. Call to order

Mayor Heasley called the meeting to order at 7:00 p.m. He led those present in the "Pledge of Allegiance".

2. Roll Call.

Present: Mayor Heasley, Vice Mayor Britigan, Commissioners Fooy, Heasley, and Kinsey.
Treasurer/Clerk Stutz, City Manager Durham and City Attorney Soltis.

Absent Commissioners Balmer and Hageman.

Moved by Commissioner Heasley, supported by Vice-Mayor Britigan to excuse Commissioner Hageman.
Motion carried.

3. Minutes

Moved by Commissioner Kinsey, supported by Vice-Mayor Britigan to approve the amended Minutes of the May 16, 2016 regular meeting.

Motion Carried.

4. Additions or Changes to the Agenda

Addition of 8A. Resignation of Commissioner Balmer, effective 6/6/16.

5. Citizen Comments

Annie Brown, resident of South Haven, stated she is running for State representative. Former teacher, small business owner and school board member, she wants to make sure schools are adequately funded, roads are fixed with a comprehensive plan, and get revenue sharing back for municipalities.

Judy Resler, 218 Maple, asked about the former Mayors' pictures and when they would be hung. City Manager Durham said they were being reframed and didn't have a date.

Ann Barthelme, owner of 117 S Riverview, brought photos to share of the development on Harrison Street near Mackenzie's bakery, saying one small project like this could "set the tone" for future projects in Parchment.

Mike Conner, 1150 Parchmount, mentioned the blight ordinance, stating that the property on Riverview next to the old credit union and the property on the corner of Riverview and Commerce are both overgrown with weeds.

Karen Conner-Beck, 1124 Parchmount, mentioned the panhandlers were getting worse. She noted there's a shopping cart full of belongings in the gazebo on Commerce Lane, and it seems to be making people nervous to park there.

Nichole Parsons, 1109 Parchmount, asked about the "redevelopment authority" and are there any Commissioners still serving who were part of the Riverreach project? Mayor Heasley answered himself and Vice Mayor Britigan. She then asked if the City Manager would share information about projects with residents.

Deborah Lawson, 507 Keyes, suggested putting together a Neighborhood Watch program. City Manager Durham took her phone number and said he would pass it along to Lieutenant Ergang.

Sandy Elsmar, 135 Oak Grove, complained about how bad Mr. Predum's property at 3033 S. Riverview looks, that it's an "eyesore". City Manager Durham explained that as the property is actually within the limits of Kalamazoo Township, we have no jurisdiction regarding how it is maintained.

6. **Consent Agenda**

- A. Moved by Vice-Mayor Britigan, supported by Commissioner Heasley to receive the consent agenda items and approve the Kindleberger Rental Requests.
Motion Carried.

7. **Unfinished Business**

None.

8. **New Business**

- A. Resignation of Commissioner Balmer, effective 6/6/16 – ACCEPT.

To Mayor Heasley, Vice Mayor Britigan and fellow Commissioners:

This letter shall serve as official notification of my resignation from the Parchment City Commission. This November would mark 15 years of service on the Commission, most of which has been an honor to serve. However the past several have been extremely difficult. I'm very disappointed in the direction the City has been moving and more importantly in the way it has been managed. The close to the vest/smoke and mirror style has left me questioning the Commissions (sic) continued support for the current Manager. I have not been a supporter of the Mill Project. We continue to oplace it as the number one goal each year rather than focusing on what we really can control. Millions of dollars have been spent with the results being one expanded business, one relocated business, one new seasonal business and a road to which none of the previously mentioned connect. The business were to generate TIF funds to pay for the bond payment which is approx.. \$58,000 yet they currently generate approx.. \$54,000. This shortfall will have to be covered from elsewhere from funds that could be used on some other need in the City.

The 2015/16 audit was very troubling to me starting with the fact that the audit was dated Dec. 31, 2015 but the Commission didn't receive it until March 24, 2016. The auditors recommended reconciliation reports at least quarterly which is something I have been asking to see for a number of years. To date we have still yet to see any. The city's governmental funds decreased by \$163,992 due to charges for the Bellisle Blvd project. Warrant 1310 (to be approval (sic) 6/6/2016) reflect additional charges for the project. \$61,598.61 to ERM Midwest for services in 2014 (overdue one can assume) and Prein & Newhof \$5194.50. These funds must be reimbursed when the project is official closed by MDOT. The reported funds to be received upon closer is \$100,000. That does not appear sufficient to make the "must be" reimbursement.

I would highly recommend the Commission consider a forensic audit to get a true picture of the City's financial picture. I would also recommend consideration be given to a change in management as the situation permits.

Respectfully,

Thomas D. Balmer

Moved by Commissioner Heasley, supported by Commissioner Fooy, to accept Commissioner Balmer's resignation effective 6/6/16. **Motion Carried.**

- B. Resolution of Appreciation for Zachary Cushman. **Resolution was adopted unanimously.**

- C. Resolution establishing FY2016 Millage Rate – Adopt. Moved by Vice Mayor Britigan, supported by Commissioner Heasley. Roll call vote was as follows:

Ayes: Britigan, Fooy, J Heasley, R Heasley, Kinsey.

Nays: None.

Absent: Hageman.

Abstain: None.

Motion Carried 5-0

- D. Resolution adopting the FY 2016 Budget – Adopt. Vice Mayor Britigan noted that he wants any available funds to be directed to the roads in the City. Moved by Commissioner Kinsey, supported by Commissioner Heasley. Roll call vote was as follows:

Ayes: Britigan, Fooy, J Heasley, R Heasley, Kinsey.

Nays: None.

Absent: Hageman.

Abstain: None.

Motion Carried 5-0

- E. Resolution establishing water service charges for FY2016 – Adopt. Moved by Commissioner Heasley, supported by Commissioner Kinsey. Roll call vote was as follows:

Ayes: Britigan, Fooy, J Heasley, R Heasley, Kinsey.

Nays: None.

Absent: Hageman.

Abstain: None.

Motion Carried 5-0

- F. Resolution establishing sewer service charges for FY 2016 – Adopt. Moved by Vice Mayor Britigan, supported by Commissioner Heasley. Roll call vote was as follows:

Ayes: Britigan, Fooy, J Heasley, R Heasley, Kinsey.

Nays: None.

Absent: Hageman.

Abstain: None.

Motion Carried 5-0

9. Standing Board and Committee Reports

None.

10. Mayor and Commissioner Comments

Commissioner Heasley thanked resident Deb Lawson for her positivity and good idea. He also thanked administration for the expense report, noting that we are at 65% of budgeted expenses for 3 quarters.

Commissioner Kinsey encouraged Ms Lawson to pursue the neighborhood watch.

Vice Mayor Britigan asked administration to look further into the panhandling ordinance.

Mayor Heasley, at Commissioner Balmer's request, asked that the resignation be read into the minutes. The Mayor then congratulated the PHS sports teams on a great weekend, with baseball, softball and girls soccer all winning district titles.

11. City Manager Comments/Reports

None.

12. Adjournment

There being no further business to come before the Commission, it was moved by Commissioner Fooy and supported by all to adjourn the meeting at 8:03 p.m.

Shannon S. Stutz
City Clerk



Warrant # 1311
June 20, 2016

City of Parchment

Attachment 1 - Check Register Report 1311

City of Parchment
Check Register Report
Warrant 1311

Check	Check Date	Vendor Name	Check Description	Amount
MERCANTILE Checks				
33077	06/06/2016	CINTAS CORP	Restock 1st Aid Cabinet	44.60
33078	06/06/2016	CINTAS CORPORATION LOC. 725	Uniform Rental & Towels	217.97
33079	06/06/2016	COMPANION LIFE	Life & AD&D Ins.-May & June	114.00
33080	06/06/2016	ETNA SUPPLY	6 - 1" Meters	1,200.00
33081	06/06/2016	TRACY ICAN	Craft Supplies - Kids Area-KSF	188.83
33082	06/06/2016	KAL CO HEALTH & COMMUNITY SERV	HHW - 1st 1/4 2016	125.30
33083	06/06/2016	KALAMAZOO TOWNSHIP	Police Services Contract-May	24,412.67
33084	06/06/2016	TREASURER CITY OF KALAMAZOO	Municipal Sewer - April	6,200.64
33085	06/06/2016	R.W. LAPINE INC.	1/4'ly Maint Cont for HVAC	185.00
33086	06/06/2016	MAINTENANCE MASTERS, INC.	Mowing of Right of Ways	175.00
33087	06/06/2016	STATE OF MICHIGAN	Storm Water Cert (A-1)-Cahill	95.00
33088	06/06/2016	MICHIGAN MUNICIPAL WC FUND	Work Comp Prem to 7/1/2017	6,585.00
33089	06/06/2016	PUBLIC MEDIA NETWORK	AT&T PEG Fees-Jan, Feb, March	3,837.47
33090	06/06/2016	REPUBLIC SERVICES #249	Spring Clean-Up, April 2016	6,054.21
33091	06/06/2016	RIVERRUN PRESS	75-Brigadoon, Pirates, Concert	106.55

MEMORANDUM

To: Mayor Heasley, Vice-Mayor Britigan and City Commissioners
From: Shannon Stutz, Treasurer/Clerk
Date: June 17, 2016
Subject: Commission Vacancy

The City must hold an election to fill the vacancy created by the resignation of Commissioner Balmer on June 6, 2016. City Attorney Soltis and County Clerk Snow have been consulted. It is recommended that the Commission affirm:

- (A) Candidates to fill out the term of Commissioner Balmer will be placed on the ballot to be voted on November 8, 2016.
- (B) Candidate petitions and affidavits of identity will be due to the City Clerk by 4 p.m. on August 2, 2016.
- (C) Statements of Organization for candidate committees are due 20 days after candidate petitions are filed.

A special notice will not be required as the Kalamazoo County Clerk will include in the regular election notice for November.

Manager

From: Robert Soltis <RSoltis@moorslaw.com>
Sent: Tuesday, June 14, 2016 10:53 AM
To: Dennis Durham (manager@parchment.org)
Subject: Panhandling Ordinance
Attachments: PANHANDLING.doc

Dennis:

Please find attached the proposed Panhandling Ordinance. It is primarily based upon Kalamazoo's Ordinance. However, I have modified it to more closely follow Indianapolis' Ordinance which was upheld by the 7th Circuit Federal Court of Appeals. My concern with Kalamazoo's Ordinance is that it fails to distinguish between active panhandling and passive panhandling. See the latter part of the definition of "panhandling". Permitting passive panhandling was a very important factor in its being upheld by the Court.

Please share this with the City Commission. If there are any questions, please let me know.

Thanks. Bob

Robert A. Soltis
Ford, Kriekard, Soltis & Wise, P.C.
8051 Moorsbridge Road
Portage, MI 49024
(269) 323-3400 (phone)
(269) 323-3418 (fax)
www.fordkriekard.com

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CITY OF PARCHMENT
KALAMAZOO COUNTY, MICHIGAN

ORDINANCE _____

AN ORDINANCE TO AMEND CHAPTER 30 OF THE PARCHMENT CITY CODE OF ORDINANCES TO ADD A NEW ARTICLE V (PANHANDLING); TO ADD A NEW ARTICLE VI (IMPEDING PEDESTRIAN OR VEHICULAR PASSAGE); TO REPEAL ALL OTHER ORDINANCES OR PARTS THEREIN INCONSISTENT OR CONTRARY TO THIS ORDINANCE; AND TO PROVIDE FOR AN EFFECTIVE DATE FOR THIS ORDINANCE.

THE CITY OF PARCHMENT ORDAINS:

ARTICLE I

Chapter 30, Article V, Sections 30-35 to 30-40, are hereby reserved.

ARTICLE II

Chapter 30, Article V, PANHANDLING, is hereby added and shall now read:

ARTICLE V

Sec. 30-41. PANHANDLING.

A. The following words and phrases apply to this Article:

Private Place: Any place owned, lawfully controlled by a person or entity other than the person panhandling.

Public Place: Any place where the public has access, including, but not limited to, any sidewalk, street, highway, parking lot, plaza, transportation facility, school, place of amusement, park or playground.

Panhandling: Any solicitation made in person upon, in or at any public place in the City, in which a person requests an immediate donation of money or other gratuity from another person in violation of Section 30-42 or 30-43.

Panhandling shall include:

(1) Vocal appeal or for music, singing or other street performance;
and

(2) Where the person being solicited receives an item of little or no monetary value in exchange for a donation, under circumstances where a reasonable person would understand that the transaction is in substance a donation.

However, panhandling shall not include the act of passively standing or sitting nor performing music, singing or other street performance with a sign or other indication that a donation is being sought, without any vocal request other than in response to an inquiry by another person.

Sec. 30-42. PANHANDLING – PRIVATE PROPERTY.

No person shall panhandle on private property without first obtaining the permission from the owner or person in lawful control or possession of such property.

Sec. 30-43. PANHANDLING – PUBLIC PLACE.

It shall be unlawful to panhandle in or on a public place in any of the following circumstances or situations:

- (1) While under the influence of or impaired by alcohol (PBT .06 or above) or a controlled substance;
- (2) In any public transportation vehicle, such as a bus or train, or within 20 feet of where such a vehicle takes on or releases passengers, or within 20 feet of any bus stop;
- (3) In any public parking lot, parking ramp or public building, including under any open-air structure such as a canopy;
- (4) Within 20 feet of a public toilet;
- (5) Within 20 feet in any direction of an entrance to a bank, credit union or an automated teller machine;
- (6) From an operator of or occupant within or exiting or entering a motor vehicle;
- (7) By stating that funds are needed to meet a specific need, when the panhandler has the funds to meet that need, does

not intend to use funds to meet that need or does not have that need;

- (8) As part of a group of two or more persons;
- (9) After sunset and before sunrise;
- (10) Within 10 feet of an entrance to a building;
- (11) From a child whom the solicitor knows or reasonably should know is under the age of 16 years;
- (12) In an aggressive manner, which includes:
 - (a) Approaching or speaking to a person, or following a person before, during or after panhandling, in a manner that is likely to cause a reasonable person to fear bodily harm to himself or herself or to another, or damage to or loss of property or otherwise be intimidated into giving money or other thing of value;
 - (b) Continuing to panhandle from a person after the person has given a negative response to such panhandling;
 - (c) Intentionally touching or causing physical contact with another person without that person's consent;
 - (d) Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
 - (e) Using violent, profane or threatening gestures or language toward a person solicited before, during or after the act of panhandling;
 - (f) Conspicuously following the person who has been solicited;
 - (g) Speaking in a volume unreasonably loud under the circumstances;
 - (h) Panhandling money from anyone who is waiting in line for entry to a commercial building; or

- (i) Panhandling anyone who is within an enclosed area, defined by fencing, gates, bollards or other means of separation, where food and/or beverages are being served for immediate consumption in a public place.

Sec. 30-44. VIOLATION.

Each violation of this Section shall constitute a municipal civil infraction. Each violation shall be punishable by a fine set, from time-to-time, by the City Commission and/or an injunction against further violations of this Article. Each violation of this Ordinance shall constitute a separate offense.

ARTICLE III

Chapter 30, Article VI, Impeding Pedestrian or Vehicular Passage, is hereby added and shall now read:

ARTICLE VI

Sec. 30-45. IMPEDING PEDESTRIAN OR VEHICULAR PASSAGE.

Any person who does or persons who do, on any street, sidewalk or any other place open to the public, any act which hinders or impedes, or tends to hinder or impede, the passage of pedestrians or vehicles and refuse(s) to cease and desist such acts when ordered to do by a police officer, public safety officer or other person in charge of the property shall be guilty of a municipal civil infraction.

Sec. 30-46. VIOLATION.

Each violation of this Section shall constitute a municipal civil infraction. Each violation shall be punishable by a fine set, from time-to-time, by the City Commission and/or an injunction against further violations of this Article. Each violation of this Ordinance shall constitute a separate offense.

ARTICLE IV

All Ordinances or parts thereof in conflict herewith are hereby repealed and shall be of no further force and effect.

ARTICLE V

Any and all sections, terms, provisions and/or clauses herein shall be deemed independent and severable. Should any court of competent jurisdiction hold any

section, term, provision or clause void and/or invalid, all remaining sections, terms, provisions and/or clauses not held void and/or invalid shall continue in force and effect.

ARTICLE VI

This Ordinance shall take force and effect on _____, 2016.

CERTIFICATE

I, Shannon Stutz, City of Parchment Clerk, do hereby certify that the foregoing City of Parchment Ordinance Number _____ was adopted by the City Commission at a regular meeting held on _____, 2016, and that the following is a record of the vote of the members of said City Commission on said Ordinance:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Shannon Stutz
City Clerk