

# **VILLAGE OF SPARTA**

Kent County, Michigan

## **Village Council Meeting**

**Monday, August 12, 2024 at 7:00 PM**

**75 N. Union St. (Sparta Civic Center)**

**Present:** President Robert Whalen, Council Members Brenda Braybrook, Robert Carlstrom, Dave Cumings, Courtney Mais, Tom Peoples, and Bill Taylor.

**Absent:** No one.

**Also present:** DDA Director Liz Morse, Police Chief Andy Milanowski, DPW Supervisor Bill Hunter, Village Manager Jim Lower, Wastewater Treatment Superintendent Conrad Bowman, and Village Clerk Katy Shelton.

1. **Call to Order:** The meeting was called to order at 7:00pm.
2. **Pledge of Allegiance:** The Pledge of Allegiance was recited.
3. **Roll Call:** Formal roll call was taken. Those in attendance/absent are noted above.
4. **Additions or Corrections to Consent and Business Agenda:**
  - a. Approve Regular Village Council Meeting Minutes of July 8, 2024.
  - b. Approve Planning Commission Meeting Minutes of July 8, 2024.  
None.

5. **Approval of Consent and Business Agenda:** Motion by Braybrook with a second by Cumings to approve. Motion passed unanimously.

6. **Public Comment for Agenda Item:** President Whalen stated the difference between public comment and a public hearing. He said that in a public hearing, it was appropriate for there to be questions from the audience with appropriate answers from the Council. In the public comment part of a Council meeting, the public can make statements or ask questions, but that there will be no response from the Council. Audience members are free to address Council members after the meeting or via phone or email about their concerns or questions.

Please Note: This Public Comment portion of the meeting is reserved for comment on agenda items. Personal or abusive attacks on Council members, staff members, or other participants will not be tolerated and may result in the Village President taking action, up to and including, having the speaker removed from the meeting by law enforcement officers.

Robert Barber, 77 E Division, Sparta: Speaking about the recent special land use request by Aal Toll LLC, he stated that if the fire hadn't occurred, that the Village might still be unaware of any problems with this business' operations. He said that company still does not have adequate fire suppression equipment. He urged the Council to deny the request.

Joel Walcott from Aal Toll then read a statement from the company president. He gave a history of the company and also summarized the company's version of the fire: what caused it and

what the company has done to remedy the problems. He said that he believed that the company has fulfilled the requirements of the special land use permit. He said that the company apologized for their “overstep.”

Jack Draper, 335 Martindale St, Sparta: He questioned the amount of water that was used to fight the fire by all the agencies involved. He believes it was much more than what was publicly announced.

Christina Owens, 29 Centennial, Sparta: She said that the owner of the business was experienced and should have known what was required when beginning operations in a new facility. She believes that the company did not follow proper procedures, and that the fire could have turned into something much worse. She faulted the company for not notifying the Village about what sorts of operations were going on at their location. She said that no one in the Village knew exactly what types of chemicals were being used by the company for over a year – until the fire happened and that information was subsequently disclosed.

Ricky Johnson, 29 Centennial, Sparta: Said he had to relocate his family the night of the fire because of the black cloud of noxious smoke. He said that the company commenced operations without the proper permits. He said that company knew that the fire suppression equipment wasn't operational. He believes that the company does not fulfill the requirements of the special land use requirements. He asked that the Village create some sort of ordinance penalizing companies who operate their business without first obtaining the proper authorizations and permits. He said that the absence of the owner of the company at tonight's meeting solidifies his feeling that the Village needs to deny the company's request.

Emma Beams, 215 Martindale, Sparta: Agrees with the previous speakers. Said that no one can trust the company after this incident. She said that if the fire had not happened, that no one outside of the company would know anything about the operations being conducted at that location.

Robert Piersma, 372 Fairlane Dr, Sparta: He attended the Planning Commission meeting the previous week. He believes that trust has been broken with the company. He said that if the company had not gotten caught when the fire occurred, that they would still be operating illegally. He said that there are many schools and residences near the company, and that the company completely disregarded public safety. He said that they knowingly circumvented the appropriate Village requirements. He said that there is no business plan that will bring the building up to code because it's too expensive. He said that the chemicals involved in the fire would have a deleterious effect on Sparta's aquatic life and water systems.

Daniel Drummond, 96 Maple St, Sparta: He agrees with the previous speakers. He believes that when a person or a company make a mistake, that they need to be punished for that mistake. He said that rules are in place for a reason. He questioned whether the chemicals used by this company could cause cancer. He thinks that the company is located too close to nearby homes.

## **7. Public Hearing: Res. 24-19 Great Lakes Firearms & Ammunition IFT:**

Public hearing opened at 7:24pm. The Village Manager explained about this item. This application was already approved in March under the name Baker Investments LLC. The state has asked the Village to repass the resolution in order to allow the building

tenant, Great Lakes Firearms and Ammunition LLC to claim the tax credit. The company is requesting an Industrial Facilities Tax Abatement for the \$2,620,000 new industrial construction they are in the process of completing. The application states that the IFT will help them create new jobs. The request would abate half of the tax burden on the new addition for a period of twelve years for all local taxing entities. This is a tool commonly used in the State of Michigan as an incentive for industrial development. The Village has approved many such requests in the past. There were no questions or comments from the audience. Public hearing closed at 7:27pm.

**8. Old Business** None.

**9. New Business:**

**a. Special Land Use Application- 200 Maple Street Chemical Mixing & Storage:** The Village Manager explained this item. He said that Aal Toll LLC owns the property at 200 Maple St in Sparta. They have requested Special Land Use approval to do chemical mixing and storage at their facility. He then explained what had transpired at the earlier Village Planning Commission meeting on August 5<sup>th</sup>, when a public hearing was held on this issue. He said that the feedback from the public at the hearing was decidedly negative and in opposition to the application. He also talked about the fire that occurred at that location and subsequent activities. He said that the Planning Commission ended up not making a recommendation to the Village Council as to either approve or not approve the application because both motions to move forward ended up with tie votes. The issue thus comes to the Council without any recommendations; however he

noted that the Council makes the final decision on the application irrespective of the Planning Commission's recommendations.

Joel Walcott from Aal Toll spoke again and answered some comments and questions from the Council. He again described what exactly the company does and discussed the fire. He said that Aal Toll would do whatever it needed to do in order to operate its business in Sparta.

President Whalen and Council member Carlstrom both stated that they were at the previous Planning Commission meeting since they are both on the commission. They had two main concerns: Why did the company start operating in Sparta without the proper permits and without an operating fire suppression system in place? Also, Why did the owner put employees from other states in place in Sparta without doing his due diligence? They said that this situation would not happen again with this company because the owner cannot undo the wrong that his company committed.

Council member Carlstrom stated that he'd be voting to deny the request because the company does not meet the requirements of the request. He said that the company started operations without first disclosing the nature of their business.

Council member Taylor asked how safe the company was. He wondered about the waste produced by the company and how that waste would be disposed.

Mr Walcott from Aal Toll said that there was no waste – the company was merely mixing chemicals. When the tanks holding the chemicals would be cleaned out, they would then store the waste from that cleaning process and another company would then dispose of that waste.

Terry Brant from Aal Toll spoke and said that they would not be producing any waste products.

Council member Carlstrom then asked about the waste created when cleaning out the chemical storage containers.

President Whalen asked why the company president was not in attendance at this meeting. Mr Walcott said that he was “too emotional” and did not believe he could comport himself professionally at tonight’s meeting. President Whalen said that he would be voting to deny the request because he did not believe that the company fulfilled the requirements of the request.

Council member Cumings asked why the company did not get the proper permits from the Village before it commenced operations.

President Whalen asked the employee representatives when they first learned that proper permits had not been obtained before the company started operating. They responded that they learned that once the fire occurred.

Council member Braybrook said that other companies followed proper procedures and wondered why Aal Toll did not. She said that Sparta is very business oriented.

President Whalen said that the business owner should have attended the meeting, and that it was unfair to make his employees have to answer the Council’s questions.

Council member Peoples said that he had gotten his questions answered when he attended the previous Planning Commission meeting.

Council member Mais said she did not have any questions.

Council member Carlstrom said that Aal Toll did not attempt any public engagement after the fire. They did not release anything to the press. He said that the first time the Village heard from Aal Toll was at last week’s Planning Commission meeting. He said that they did not pull the proper permits nor follow proper procedures.

President Whalen said there were two issues: First, does the Council approve the request with the 100' set back requirement not being met ? Second, have requirements 3, 4, and 5 been met ?

Motion by Braybrook with a second by Carlstrom to deny the request based on the 100' set back requirement not being met and because requirements 3, 4, and 5 have not been met. Motion passed unanimously.

**b. Res. 24-19 Great Lakes Firearms & Ammunition IFT:** This issue was discussed above under “public hearing”. Motion by Peoples with second by Mais to approve. Motion passed unanimously.

**c. Res. 24-20 Amendment to MERS DC plan & signature authorization:** This item refers to the Village’s retirement plan. The Village Manager explained this amendment. Motion by Mais with a second by Braybrook to approve. Motion passed unanimously.

**d. Res. 24-21 Village of Sparta Act 88 Participation:** The Village Manager explained this resolution. It applies to a village employee’s service credit for prior government service. Motion by Cumings with a second by Mais to approve. Motion passed unanimously.

**e. Ord. 24-06 Parking Lots:** In Oct 2023, the Council passed an ordinance to give the police department more authority and enforcement options to address parking issues in public parking lots within the Village. It has proven to be very helpful. However, when the ordinance was created, it was basically exclusively geared towards issues related to vehicles. While helpful, it is now evident that issues in parking lots can just as easily be created by pedestrians. Therefore, this ordinance gives the police the tools it



needs to deal with both vehicle and pedestrian related issues that may occur in village owned parking lots.

Council member Carlstrom asked Police Chief Milanowski a few questions about the specifics of this ordinance. It was noted that Sparta has had problems with people living in their cars which are parked in public parking lots. Some electrical outlets in the Village are not secured and may be accessed by anyone. While it's perfectly acceptable for someone to charge their phone using these outlets, sometimes these outlets are being used to power portable heaters used inside a vehicle. Motion by Mais with a second by Braybrook to approve. Motion passed unanimously.

**f. Town Square Design Proposal:** This was discussed by DDA Director (and newly elected Kent County Commissioner) Liz Morse. She said that the Sparta Town Square Project is headed toward the final steps before construction begins. The plan is to repave the parking lot behind the arches all the way over to Union St. The project will include pedestrian safety items such as cross walks, traffic calming measures such as parking lot trees and new drive lanes. It will also include a new gathering space for the public that will have items such as a fireplace, a small stage for performances, and updated outdoor seating. Additionally, the project will include moving the historic Railroad Depot Museum from North Union and repurposing it to become a public bathroom facility. The DDA hopes to begin construction in late winter 2024 with a completion date of mid summer 2025. The proposal presented to the Council today is to contract with Andrus Architecture for \$79,000 to move forward with final design/engineering including structural engineering, soil boring and final renderings. Motion by Braybrook with a second by People to approve. Motion passed unanimously.

**g. Dog Park Improvements:** This issue was explained by DPW Director Hunter. He said that the current dog park does not meet the standards set by the ADA. He said that ensuring ADA compliance is crucial in demonstrating our commitment to inclusivity and making our community accessible to all residents. The estimated cost for improvements to meet ADA standards is \$5500. In addition, there are several enhancements recommended by staff to improve the overall user experience. Those enhancements are estimated to cost \$7967, bringing the total cost of the proposed improvements to \$13,467. In addition, the Village is also working with the property owner Rex Baker to secure an easement for the parking spaces and walkway leading to the dog park on his property. This cooperation is vital to ensure the successful implementation of the proposed improvements. Motion by Carlstrom with a second by People to move forward with these improvements. Motion passed unanimously.

**10. Executive Session None.**

**11. Village Manager & Department Reports:** Village Manager Lower congratulated DDA Director Morse on her recent election to the Kent County Commission. He also said that the airport “fly in” will be this weekend in Sparta with a breakfast on Saturday morning. He also introduced new Wastewater Treatment Supervisor Conrad Bowman to the Council.

**12. Communications: None.**

**13. Payment of Bills**

**July Payables**

PAYABLES

(101) General Fund	\$107,279.67
(202) Major Street Fund	\$14,898.42
(203) Local Street Fund	\$2,693.36
(581) Airport	\$39,821.99
(590) Sewer Department Fund	\$34,495.89
(591) Water Department Fund	\$43,499.87
(661) Equipment Rental Fund	\$2,230.52
Total	\$244,919.72

Informational:

(206) Fire Department	\$15,494.33
(208) SRA Park Fund	\$3,370.29
(248) Downtown Dev Auth	\$2,435.42
TOTAL	\$21,300.04

**14. Public Comment:**

Sherry May, 320 Blake St, Sparta: Wanted to know why there are two Dollar General stores in Sparta. President Whalen told her to ask him about this after the meeting. Robert Barber, 77 E Division, stated he was glad that Aal Toll's request was denied. He asked about parking on E Division (13 Mile) - whether that is considered public

parking under the jurisdiction of the Village or the County ?  
He was advised that the Village Manager, the DPW  
Supervisor, and Police Chief Milanowski will talk about this.

**15. Council Member Announcements:** Council Member Carlstom said that the Council's denial of Aal Toll's request was for a specific land use. He said that it did not prohibit the company from submitting a second special land use request at a future time. It was mentioned that that owners of residences/businesses within 300' of a business requesting such a special land use must be notified of that request by certified mail.

**16. Adjournment:** Meeting was adjourned by President Whalen at 8:31pm.

Submitted by Katy Shelton, Village Clerk.