

**BROWN CITY COUNCIL MINUTES
APRIL 10, 2006**

Meeting called to order at 7:00 p.m. by Mayor Carpenter.

Pledge of Allegiance led by CM Ross McIvor.

PRESENT: Mayor Laura Carpenter, Councilmembers: Ron Wood, Julie Miller, Ross McIvor, Christine Lee, Mike Lents, Leon Blatt; City Manager Clint Holmes, City Attorney Gerard Garno, City Clerk Kelly Pavel.

ABSENT: None.

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA:

City Treasurer Report will be added to agenda, before City Manager's Report.

CORRECTION AND APPROVAL OF MINUTES:

Moved by CM Miller, second by CM McIvor, to accept the Regular Meeting Minutes of March 27, 2006 as written. Motion carried.

Moved by CM Lee, second by CM Blatt, to pay the bills in the following funds: General - \$34,570.92, Payroll - \$18,783.88, Major Street - \$1,353.44, Local Street - \$2,544.44, Sanitary Sewer - \$9,769.00, Water - \$15,333.73, Arsenic - \$6,220.27, Equipment - \$14,715.11. Motion carried.

PUBLIC QUESTIONS & COMMENTS:

Roger Swank, 4333 Maple Street, requested time to speak regarding an agenda item. Mayor Carpenter stated it is allowable to ask questions when the agenda item arises.

PERSONAL APPEARANCES:

1. Jay Blackmer, T & R Tire, Homecoming Event Request – Mr. Blackmer is proposing holding a burnout contest during Brown City Days on Industrial Drive. He has spoken to neighboring business and Homecoming Committee, none of which have any issues with this event being held.

Moved by CM Blatt, second by CM McIvor, to allow T & R Tire to conduct a burnout contest on the west end of Industrial Drive on Friday, June 9th as a Homecoming event. ROLL CALL VOTE: Wood-yes, Miller-yes, McIvor-yes, Lents-yes, Lee-yes, Blatt-yes. 6-yes, 0-no, 0-abstain. Motion carried.

2. Bob Armstrong – WMIC Blue Water Summer Guide participation. Mr. Armstrong spoke to the City Council regarding the Blue Water Summer Guide and radio advertisements, which City has participated in over the years. Print layout must be completed before May 1st.

Moved by CM Lents, second by CM Lee, to participate in this year's Blue Water Summer Guide with WMIC at a cost of \$770. Motion carried.

POLICE REPORT:

Review of written report. No questions or comments.

OLD BUSINESS:

1. Bullock Project – nearing completion.
2. Codification of City Ordinances – See Manager's Report Item #3.

3. Appointment of a resident of business owner to the DDA (until 12-31-08).
4. Appointment of a resident to the Cemetery Board (until 12-31-10).
5. Arsenic Abatement – see Manager’s Report Item #5.

RESOLUTIONS:

City Manager Holmes presented background and issues regarding Resolution 06-06.

City Attorney does not feel that this Resolution is compatible with City Ordinances or the City Charter. This would be amending Chapter 8. City Attorney stated a Public Hearing would need to be held and an Ordinance created. City Manager directed to create an ordinance.

Moved by CM Lents, second by CM Blatt, to schedule a Public Hearing for April 24, 2006 at 7:15 p.m. regarding an Ordinance establishing a procedure for the approval of building and land use applications and permits. Motion carried.

ORDINANCES: None scheduled.

PETITIONS & COMMUNICATIONS:

Moved by CM Blatt, second by CM Lee, to accept the pre-application building permit for 4273 Grant Street to construct a 24’ x 32’ addition with basement. Motion carried.

Moved by CM Blatt, second by CM Miller, to accept the pre-application building permit for 6930 Maple Valley Road to construct a 30’ x 40’ pole building. Motion carried.

Moved by CM Blatt, second by CM Lee, to accept the pre-application building permit for 7029 Cade Road, for Trinity Lutheran Church to install a larger sign, size being 5’ x 7’, lighted. Motion carried.

Moved by CM Blatt, second by CM Lee, to accept the pre-application building permit for 4235 Main Street for Granny’s Attic to install an exterior sign. Motion carried.

Moved by CM Blatt, second by CM Lee, to accept the pre-application building permit for 4450 Parkside Drive to install a 16’ x 16’ exterior backyard deck and backyard fence. Motion carried.

Moved by CM Blatt, second by CM Lee, to accept the pre-application building permit for 4174 Main, Brown City Lanes to install 30’ x 16” flower pots adjacent to front doors. McIvor-abstain, Motion carried.

Ms. Val O’Dell, 7084 Reed Street is requesting conditional approval for a Home Day Care permit. Ms. O’Dell does not currently own this home but does intend to purchase home based on City Council approval to operate a home day care.

Moved by CM Blatt, second by CM Lee, to schedule a Public Hearing for April 24, 2006 at 7:30 p.m. regarding a request for a Home Day Care Center special use permit for 7084 Reed Street. Motion carried.

City Manager Holmes summarized the request for a Kennel License from Kim Dailey, 4317 Maple Street, and the action taken by the Planning Commission to include the Minutes and Public Hearing from their April 6, 2006 meeting.

Mr. Roger Swank, 4333 Maple Street, is questioning the Planning Commission’s recommended approval when various neighbors within 300’ of the Dailey residence are not in favor of this change. Mr. Swank is asking that the current ordinance remain in effect.

Mr. Gary Beals, 4159 Maple Street, stated his concerns for increasing the number of dogs permitted on the Dailey property. He is concerned about barking as well as property values.

Planning Commission member Jack Bell stated that his feelings, and those of the majority of the Planning Commission, were to grant this request on a trial basis.

City Council discussion regarding Dog Kennel License request.

Moved by CM Wood, second by CM Blatt, to deny approval of a Dog Kennel License for Mrs. Kim Dailey, 4317 Maple Street. ROLL CALL VOTE: Wood-yes, Miller-yes, McIvor-yes, Lents-no, Lee-yes, Blatt-yes. 5-yes, 1-no, 0-abstain. Motion carried.

CITY TREASURER REPORT:

Review of tax collection by City Treasurer Carol Walters.

Discussion regarding new BS&A tax software program now available. The Sanilac County Treasurer, Equalization Department and City Assessor will be operating this program and data will transfer between them more easily. Sanilac County is providing the necessary training. The Treasurer will pay for this program and annual service fee by using tax collection fees.

Moved by CM Miller, second by CM Lee, to purchase the BS&A software program for \$1,195.00, **monies will be from the Treasurer's Tax Account. (Corrected April 24, 2006.)** Motion carried.

CITY MANAGER'S REPORT:

1. **2006 Streetscape:** MDOT, Spicer Engineering – the project manager, and I met with most of the merchants effected by the Streetscape Project. Work will begin on April 17th and should be completed by Memorial Day (May 29th) if not sooner. Spicer believes the sidewalk on the south side of Main Street can be raised enough so stores (including Maxine's Coffeeshop) do not need ADA ramps. However, he recommended installing an ADA ramp in the middle of the block to help with water runoff (potential cost about \$220-\$880). Interestingly enough, soon after, Thibodeau Physical Therapy requested installation of an ADA ramp, and that the City approve a handicap parking space, in front of their facility. MDOT said that the City Council has the authority to approve a handicap parking space there. There has also been a request to install a handicap ramp on the north side of Main Street in the vicinity of Rotary Park.

Moved by CM Lents, second by CM Miller, to request installation of an additional handicap ramp on the south side but not the north side of Main Street, and to designate a handicap parking spot in front of the physical therapy office. Motion carried. City Manager recommended waiting to mark the space until after the Streetscape is complete.

2. **2006 Streetscape Cost Sharing:** A spreadsheet using DPW measurements, the MDOT-approved site plan and the tabulation of bids along with a cover memo and City Sidewalk Policy is in your packet. What does the City Council wish to do concerning sidewalk cost sharing? Does the City Council want to schedule a Streets and Sidewalks Committee meeting and/or Public Hearing?

Council consensus that the existing Sidewalk Policy be enforced as usual.

3. **Codification of City Ordinances:** Contact with American Legal Publishing revealed that they received the recommended changes to the Ordinances and are in the process of inserting them into the final version of the document. If the City wants to have a second draft with the changes included, there will be an additional cost of \$770. Otherwise they will complete the update and forward the 10 copies of the finished City Code to us. The new Code can not be adopted by the City Council until legal review is complete.

Moved by CM Lee, second by CM Lents, to purchase a second draft of corrected ordinances from American Legal Publishing at the cost of \$770.00. ROLL CALL VOTE: Wood-yes, Miller-yes, McIvor-yes, Lents-yes, Lee-yes, Blatt-yes. Motion carried.

4. **Web Camera and Web Page:** The Brown City Radio Shack provided an estimate for a web camera with weather housing of about \$700. Anticipated placement would be on a light pole in the vicinity of Farm

Bureau Insurance and aimed west at Main Street. A company that wants to expand to Michigan contacted the City about building the our web page. Usual cost for a community our size is \$3,000; however, they would expect to charge only about \$1,000 if the City will provide a letter of recommendation signed by at least the Mayor. Since the web cam and page would provide information to City residents, area visitors and prospective businesses, recommend using cable franchise fee funds to pay for this project.

Council consensus that a web camera not necessary at this time and is not interested in designating monies towards the purchase of one at this time.

- 5. Arsenic Abatement Project:** Copies of the two proposed abatement facility layouts provided to the City Council previously, as well as an additional one are available to the City Council for review. The recommendation from the DPW Supervisor is Arrangement #1 because it is similar to the layout of the current facility.

Council consensus that Arrangement #1 of be utilized for the Well #3 abatement facility. City Manager will notify Rowe.

- 6. Main Street Speed Study:** A copy of the study is not yet available to the City. Contact with MDOT indicated the report could take several weeks to finalize before distribution.
- 7. Michigan DEQ:** Two representatives from the Drinking Water department visited the City on April 5th to inspect the City's water facilities. Their only recommendation was to overhaul Well #3 and videotape the well and casing prior to proceeding too far with the arsenic abatement facility.

DEQ Wastewater department contacted the City concerning status of the lagoons. Since the City's grant request for sludge removal was denied by the state, they wanted to know what the City's plans were. They strongly recommended the City contact a sludge removal firm, such as Synagro or Biotech to determine the exact depth of the sludge in cells #1 and #2 and determine if removal would have a significant impact on lagoon capacity and if field spreading is an appropriate disposal method. There were also questions concerning I&I and the condition of catch basins. Recommend the City Council release Request for Proposals (RFP) #040106 – Video Inspection & Sewer Line Cleaning Services. A copy of this 12 page document is available for your review.

Council consensus that City Manager release Request for Proposals (RFP) #040106.

- 8. Street Sweeper Rental:** About this time last year, the City contracted with the City of Marlette for street sweeping services at a cost of \$2,989.17 (for 18.5 hours). Since M-90 is being resurfaced, no sweeping of Main Street is planned for this spring. However, the other streets in the City are due. The Elgin Company has a program to rent street sweepers by the week. The cost is \$2,000 plus a \$600 delivery fee in advance, insurance coverage and possible additional wear costs. They also have a used model available for purchase at about \$40,000. Recommend the City Council consider renting one of these units after the Streetscape is complete (but before Homecoming).

Council consensus that City Manager speak with Marlette officials regarding the rental of their street sweeper.

- 9. Brown City Clean-Up Days:** Brown City Clean-Up Days were May 9 and 10 last year. Recommend the City Council set clean-up days for Monday May 15th and Tuesday May 16th. **REQUIRES MOTION.**

Moved by CM Blatt, support by CM Miller, to schedule Brown City Clean-Up Days for May 15 and 16, 2006. Motion carried.

- 10. Hydrant Flushing:** Last year hydrant flushing took place on June 1-3. Recommend hydrant flushing begin Tuesday, May 30th and continues through June 2nd, so as not to interfere with the Streetscape Project or Homecoming. **REQUIRES MOTION.**

Moved by CM Lee, second by CM Miller, to schedule fire hydrant flushing for May 30 through June 2, 2006. Motion carried.

- 11. Conditional Zoning:** The state legislature passed PA 579 that allows cities to make certain zoning changes with conditions attached, such as time of completion, etc. The Planning Commission has requested the City prepare a new Ordinance to allow Conditional Zoning for review at their next meeting. New or amended Ordinances require a Public Hearing. When the time comes, does the City Council want to hold the Public Hearing or delegate that responsibility to the Planning Commission?

City Attorney Garno states that his opinion is that the Charter states that City Council is required to hear citizen concerns versus the Planning Commission. If Council chooses, an ordinance needs to be developed and a Public Hearing held. Council consensus that a joint Public Hearing with the Planning Commission would be helpful to both parties.

- 12. Downtown Development Authority:** The DDA met on March 30th. A copy of the minutes is in your packet. As directed by the DDA Board, Tri-County Bank CEO Bucklew and I met with the owner of the Brown City Pharmacy on April 6th to determine the status of the building. Anticipate another DDA meeting around the third week of April to discuss the Brown City Pharmacy building.

ATTORNEY REPORT:

BC Park Association Lease intended to be finalized at the next Park Board Meeting if no changes are requested.

All necessary contracts submitted have been reviewed.

Title policy has been received regarding Mr. Ed's building.

COMMITTEE REPORTS:

1. Police- Miller – none.
2. Water & Sewer – Lents - none.
3. Tax & Finance – Lee – none.
4. Streets & Sidewalks – Wood – none.
5. Buildings & Grounds – Blatt – none.
6. Personnel- McIvor – none.
7. Homecoming-Lee – Scotch Doubles being held on April 23, 2006 at 1:00 p.m. at Brown City Lanes.

GENERAL CONCERNS OF THE COUNCIL:

CM Miller stated her concerns about turning down Planning Commission's recommendations for the Dog Kennel request for the Daileys. CM Miller further stated that PC members who volunteer their time may become uninterested in being involved when council does not support their efforts. CM Lents stated these same concerns.

MAYOR'S REPORT: - None.

PUBLIC QUESTIONS & COMMENTS:

Gary Abel requested clarification regarding business owner's responsibilities for sidewalk installation. He was provided a copy of the same spreadsheet provided to the City Council that detailed estimated sidewalk costs.

Mr. Abel also asked who sets standards of operation for the DDA. City Manager states that the DDA is a separate organization from the City. Discussed DDA meeting where he requested a loan for Maxine's Coffee Shop. Mr. Abel feels he has been discriminated against by the DDA because of their refusal to loan him money to open Maxine's Coffee Shop. City Manager stated that the DDA's decision was included in the minutes of their March 30 meeting.

Bill Walters gave his views of the purpose and authority of the DDA.

ADJOURNMENT:

Moved by CM Miller, second by CM McIvor, to adjourn at 8:55 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk