

## **COUNCIL PROCEEDINGS FOR DECEMBER 23, 2002**

**Meeting called to order** at 7:00 P.M. by Mayor Carpenter.

**Pledge of Allegiance** led by Councilmember Pat Jacobson.

**PRESENT:** Mayor Laura Carpenter; Councilmembers – JoAnn Potts, Frank Lukacs, Charles Zuhlke, Jason Nielsen, Julie Miller, and Pat Jacobson; City Clerk Christine Lee, City Manager Clint Holmes, City Attorney Gerard Garno.

**ABSENT:** None

### **CORRECTION AND APPROVAL OF MINUTES:**

Motion by CM Miller, second by CM Jacobson, to approve the Minutes of December 9, 2002 as corrected. Motion Carried. (Corrections page 3 of 6 - add an s to the end of city' – should read – sending the tape to the city's labor attorney.)

### **PAY BILLS:**

Motion by CM Jacobson, second by CM Miller, to pay the bills as presented in the following funds: General -\$17,429.09, Payroll - \$11,913.67, Sanitary Sewer - \$228.16, Investment - \$21,923.24. Motion Carried.

### **OLD BUSINESS:**

1. City Ordinance Chapter 5 Work Session Scheduling: Pending.
2. Rezoning Request – Keith Muxlow: Pending

**PUBLIC QUESTIONS AND COMMENTS:** None

**PERSONAL APPEARANCES:** Absent

1. Jack Dempsey – Water Wells.

**ORDINANCES:** None.

### **PETITIONS AND COMMUNICATIONS:**

**Preapplication Building Permits – None**

### **COMMITTEE REPORTS:**

1. Police (Miller)- None
2. Tax and Finance (Jacobson)- None

3. Personnel (Zuhlke)- None
4. Water and Sewer (Nielsen)- None
5. Streets and Sidewalks (Lukacs) – None
6. Building and Grounds (Potts) – None

CM Lukacs wanted to know if the City plans to replace the trees removed by the City. City Manager Holmes said that this will be done in the Spring. (corrected 1/13/03 – Add the word “resident’s” before trees and add “research and possibly done in the Spring”. – should read - CM Lukacs wanted to know if the City plans to replace resident’s trees removed by the City. City Manager Holmes said that this will be researched and possibly done in the Spring.)

#### **ATTORNEY’S REPORT:**

##### **Jassen vs Holland Charter Township Zoning Board of Appeals, NO 226452.**

Rezoned 115 acres from agricultural to single family residential, the township’s planning commission voted to deny the rezoning application. The application was then amended to remove 15 acres which left approximately 100 acres. Again, the planning commission voted to deny the petition. The landowners and developer then filed a use variance request with the ZBA. The ZBA granted the use variance petition and the surrounding rural landowners filed an action in circuit court. The court upheld the ZBA’s decision.

To conclude that a property owner has established unnecessary hardship, a zoning board of appeals must find on the basis of substantial evidence that 1) the property cannot reasonably be used in a manner consistent with existing zoning, 2) the landowners’ plight is due to unique circumstance and not to general conditions in the neighborhood that reflect the unreasonableness of the zoning, 3) a use authorized by the variance will not alter the essential character of a locality, and 4) the hardship is not the result of the applicant’s own actions.

With the growing consolidation of farming operations throughout the country, and the fewer children willing to follow their parents in farming, the family farm, once a mainstay of both the economic and cultural landscape in rural America, has begun to disappear.

The court stated that it supported restrained and managed development in part through the issuance of use variances as the changing conditions create hardship for those remaining agricultural lands.

#### **CITY TREASURER’S REPORT:**

City Treasurer Carol Walters reported that as of December 23, 2002, that the total in account is \$173,751.55, beginning balance as of December 1, 2002 \$307.49. Total Dog Licenses sold as of December 23, 2002 \$65.00. The first disbursement

of \$109,789.05 will be at the end of the month, with \$43,532.28 going to City of Brown City, \$32,452.32 to Sanilac County, \$27,073.54 to Brown City Schools and \$6,730.91 to Sanilac ISD. Total in Tax Account after disbursement \$63,962.50.

**PUBLIC HEARING:**

1. 7:15 P.M. = Requests for Industrial Facilities Exemption Certificate –
    - a. Brown City Machine Products – Kevin Brehmer.  
Kevin Brehmer reported what his company’s plans are. He has 4 people working for him right now and plans to add 6 more and in the future have 15 people working for him. County Commissioner William Walters said that the County Administration had no problems with this.
    - b. Emmie Die & Engineering – George Emmie. No paperwork was submitted.
- Public Hearing closed at 7:26 P.M.

**RESOLUTIONS:**

1. 02-13 = Approval of Transfer of IFEC 98-526 and 98-527 to Brown City Machine Products.

Motion by Miller, second by Zuhlke, to approve Resolution 02-13 = a request from Brown City Machine Products, LLC. For transfer to them of the Industrial Facilities Exemption Certificates 98-526 and 98-527 for real and personal property originally issued to Almont Screw Products.

ROLL CALL VOTE: Potts - yes, Lukacs - yes, Nielsen - yes, Zuhlke – yes, Jacobson - yes, Miller - yes, 6 - Yes, 0 - No 0 - Abstain, 0 - Absent. Motion Carried.

2. 02-14 = Approval of IFEC Application for Emmie Die U Engineering.

Motion by Miller, second by Nielsen, to approve Resolution 02-14 = to approve of IFEC Application for Emmie Die U Engineering, that he submit the paperwork by December 31, 2002.

ROLL CALL VOTE: Potts - yes, Lukacs - yes, Nielsen - yes, Zuhlke – yes, Jacobson - yes, Miller - yes, 6 - Yes, 0 - No 0 - Abstain, 0 - Absent. Motion Carried.

**CITY MANAGER’S REPORT:**

1. **City Hall Roof:** The new shingles are almost completely installed and should be completed by December 23<sup>rd</sup>.
2. **Owens Shell Service:** The City was notified by letter that the Michigan Liquor Control Commission denied a SDM (beer & wine) license to Owens Shell Service. A copy of the letter is in your packets.
3. **Renaissance Zone:** Dale Benish, Director of the Sanilac County Economic Development Corporation informed me that the State of Michigan declined to extend the term of the City's Renaissance Zone as we requested earlier this year. The Zone will "expire" on December 31<sup>st</sup>, 2009. Requests by the other Zones in Sanilac County were also denied (as were all but one in the state).
4. **Bennett Property:** The new owners of this property south of Maple Street are interested in significantly upgrading the sewer service for the several houses located on this property. The current sewer line was privately installed and remains on private property. The new owners are interested in some support from the City to upgrade these connections to better serve the current residents and allow for a significant expansion of homes in the area. The owners are interested in making a presentation and request to the City Council. Does the Council wish the Sewer and Water Committee to meet and study this request in detail before review by the Council? Does the Council wish for the Planning Commission to review this proposed project?

Scheduled a Water and Sewer Committee meeting for Monday, January 6, 2003 at 7:00 P.M.

5. **Employee Holiday Gifts:** For the past few years, the City has given a small cash gift to City employees. Does the Council wish to continue this tradition? **REQUIRES MOTION.**

Motion by CM Miller, second by CM Jacobson, to approve a cash gift of \$25 to each City employee. Motion Carried.

6. **Christmas Holiday:** A reminder that City Hall will close at noon on December 24<sup>th</sup> and 31<sup>st</sup>, and will be closed all day December 25<sup>th</sup> and January 1<sup>st</sup>. On behalf of the staff and myself, we sincerely hope you all have a Merry Christmas and Happy New Year.

7. **Well Head Well Head Protection:** A company contact the City about doing the Well Head protection that the DEQ extended to December 2003. Scheduled a Water and Sewer Committee meeting for Monday, January 6, 2003 at 8:00 P.M.

DPW Head Dave Kenny reported that the new leaf vacuum works great, picking up the leaves.

### **MAYOR'S REPORT:**

1. **Committee and Commission Appointments.**

Motion by CM Miller, second by CM Zuhlke to appoint Dallas Berry, CM Pat Jacobson (terms ending 11/2004) and reappoint CM Frank Lukacs (term ending 11/2003) to the Downtown Development Authority. Motion Carried

Motion by CM Miller, second by CM Jacobson, to reappoint Dave VanCura (term ending 12/31/2004) and Joan Palmeri (term ending 12/31/2003) to the Election Commission. Motion Carried.

Motion by CM Miller, second by CM Jacobson, to appoint CM JoAnn Potts to the Planning Commission for the duration of her term. Motion Carried.

Motion by CM Miller, second by CM Zuhlke, to reappoint Ken Brown and Imogene Sealey to the Board of Review, term running 1/1/2003 to 1/1/2005. Motion Carried.

2. **Review the Committee assignments for 12/2002 through 11/2003.**

Motion by CM Jacobson, second by CM Miller, to adjourn the meeting at 7:57 P.M. Motion Carried.

Respectfully Submitted,

Christine Lee  
City Clerk