

**BROWN CITY COUNCIL PROCEEDING  
OCTOBER 9, 2006**

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

Pledge of Allegiance led by Councilman Wood.

**PRESENT:** Mayor Laura Carpenter, Council members: Ron Wood, Julie Miller, Ross McIvor, Mike Lents, Christine Lee, and Leon Blatt. City Attorney Gregory Stremers, City Manager Clint Holmes, City Clerk Kelly Pavel.

**ABSENT:** None.

**ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA:** None.

**CORRECTION AND APPROVAL OF MINUTES:**

Motion by CM Miller, second by CM Wood, to accept the Regular Meeting Minutes of September 25, 2006 as presented. Motion carried.

**PAY BILLS:**

Motion by CM Lee, second by CM Blatt, to pay the bills in the following funds: General - \$14,166.52, Payroll - #13,379.69, Major Street - \$140.94, Local Street - \$64.99, Sewer - \$4,532.62, Water - \$7,387.98, Arsenic - \$1,900.00, Equipment - \$112.40. Motion carried.

**PUBLIC QUESTIONS AND COMMENTS:**

Bill Walters, requesting follow up on junk cars on Second Street. City Manager stated that Chief Smith is following up, he was not in today due to an injury. City Manager will inquire.

**PERSONAL APPEARANCES:** None scheduled.

**POLICE REPORT:**

Written report reviewed. No questions of comments.

**OLD BUSINESS:**

1. Bullock Project – nearing completion. Erosion control costs are \$52.00 per roll, estimate that 10 rolls will be needed.

Motion by CM McIvor, second by CM Blatt, to purchase erosion control/seed products to finish Bullock Project. Motion carried.

CM Wood asks if a completion date is available for Bullock project. City Manager states no final completion date is available. City Manager stated that the contractor said he would have work finished as soon as possible. City Manager will attempt to establish a not to exceed date from the contractor.

2. Codification of Ordinances – Attorney review pending.
3. Arsenic Abatement – Funding application must be complete by 2-1-07. Rowe Engineering projects final plans being available no later than Christmas.

**RESOLUTIONS:** None scheduled.

**PUBLIC HEARING:** None scheduled.

**ORDINANCES:** None scheduled.

**PETITIONS AND COMMUNICATIONS:**

4000 Main Street submitted a request to construct a 10' x 12' storage room with a 3' x 6' breezeway at the north end of the building. Planning Commission recommends approval.

CM Wood questions electric and heat being installed in proposed storage room, stating concerns because the building has no foundation.

Gary Abel, Planning Commission representative, stated he has spoken with Sanilac County Building Department Inspectors Eric Bowerman and Tim Gardner. He was told that this is a Land Use Application that Bud's Corner Restaurant has submitted. Further electrical and plumbing will need to meet county guidelines.

CM Lents stated that City ordinance requires that this type of work in an area zoned commercial first needs to be approved by the DDA before it comes to the City Council.

Motion by CM Miller, second by CM Lee, to approve the Land Use Permit for 4000 Main Street to construct a detached 10' x 12' storage room and a 3' x 6' breezeway at the north end of the building. ROLL CALL VOTE: Wood-no, Miller-yes, McIvor-no, Lents-no, Lee-yes, Blatt-no. Motion denied.

Discussion regarding definition of "Land Use" permit by City Manager, per CM Wood's request.

County Commissioner and resident Bill Walters noted the fact that Mr. Welch was initially given incorrect information by a member of the Planning Commission. Mr. Welch was told that a permit was not required because of the size of the shed. However, since the shed is being constructed in an area zoned Neighborhood Commercial (NC), a permit from the City and Sanilac County is required. Mr. Walters continued with the statement that the delay in approval of this permit request by the City was causing pain and suffering to Mr. Welch.

Jim Seigler discussed the situation this lack of communication has caused Mr. Welch. Suggests that this ordinance enforcement, being sent to the DDA, not begin with Mr. Welch. Ordinance policies and enforcement need to be established and followed from here on out.

Motion by CM Blatt, second by CM Lee, to approve the Land Use Permit request from 4000 Main Street to construct a detached 10' x 12' storage shed with a 3' x 6' breezeway. ROLL CALL VOTE: Wood-no, Miller-yes, McIvor-no, Lents-no, Lee-yes, Blatt-yes. Mayor Carpenter voting in the situation of a tie. Carpenter-yes. Motion carried.

#### **MANAGER'S REPORT:**

- 1. August 3-4 Flood:** The next meeting of the Inter-County Drain Commission is scheduled for Wednesday, October 25<sup>th</sup>. BMJ Engineers & Surveyors should have completed the survey and engineering evaluation of the Lapeer-Sanilac Drain by then, and a decision should be made at the meeting concerning how to proceed with improving this drain. BMJ should have also completed an engineered drawing of the railroad culvert.
- 2. Flood Map Meeting:** FEMA, through the Michigan DEQ and in conjunction with the National Flood Insurance Program (NFIP) sponsored a meeting in Sandusky on September 28<sup>th</sup> to determine the flood mapping needs of communities in Sanilac and Tuscola Counties. FEMA plans to update all of the flood maps in the United States with a \$1B program. The update, or in the case of Brown City the creation, of these maps is (at least) a two-year process. Once the maps are reviewed and updated, the City Council must adopt the map in the form of an Ordinance (within six-months) in order to qualify for any future flood-related assistance. The City is also responsible to 1) review the project website, 2) review the products, 3) provide feedback, 4) collect any appeals, and 5) adopt the final map. The next meeting has not yet been scheduled. A list of Sanilac County townships and communities that are current members of the NFIP is attached (bright blue).
- 3. Sanilac County EDC:** The next regular monthly meeting of the EDC is Thursday, October 12<sup>th</sup> at noon in Sandusky.
- 4. Park Master Plan:** A review of the procedures associated with approval of the 2006-2011 Community Park and Recreation Plan revealed a requirement for a Public Hearing by both the Park Board and City Council. The updated plan is available for public review at City Hall or the City's website. The Park Board Public Hearing took place on September 14<sup>th</sup>. Request the City Council schedule a Public Hearing for October 23<sup>rd</sup> at 7:15 PM. **REQUIRES MOTION.**

Motion by CM Miller, second by CM Lee, to schedule a Public Hearing for 10-23-06 at 7:15 p.m. for review of the Park Master Plan. Motion carried.

- 5. Trees:** The City tree removal project is almost complete. The owner of the home at 4308 Main Street has requested the immediate planting of replacement trees. Coordination with the arborist revealed Brown Maple trees are \$200 each, and that the planting season is about to close. How does the City Council wish to proceed?

Motion by CM Wood, second by CM Lents, to install and stake two (2) new trees at 4308 Main Street at a cost not to exceed \$200 per tree. Miller-opposed. Motion carried.

- 6. Brown City Clean-Up Days:** Contact with Knox Disposal revealed that they are available for Clean-Up Days on Wednesday October 18<sup>th</sup>. The DPW believes that they can remove the scrap metal/appliances on Tuesday October 17<sup>th</sup>. Recommend the City Council approve Brown City Clean-Up Days for October 17-18, 2006. **REQUIRES MOTION.**

Moved by CM Blatt, second by CM McIvor, to schedule Brown City Clean Up Days on October 17-18, 2006. Motion carried.

- 7. Water Tower Cathodic System:** The City water tower has a cathodic protection corrosion control system installed to extend the life of the tower. The City has had a contract with CORRPRO apparently since the tower was built. The renewal contract should be signed by the Mayor. The cost of this service is \$555 for 2007 (an increase of \$20 from last year). **REQUIRES MOTION.**

Motion by CM Miller, second by CM McIvor, to direct the Mayor to sign the renewal contract with CORRPRO for the cathodic protection corrosion control system at the annual cost of \$555.00. Motion carried.

- 8. Zoning Enabling Act Seminar:** The Tuscola County Planning Commission has scheduled a class concerning the new zoning enabling act for 8-12:30 on Saturday, October 21<sup>st</sup> in Cass City. \$50 for each. The City Planning Commission was given an opportunity to participate, and the Chairperson plans to attend. Do any members of the City Council wish to go?

- 9. COMCAST Cablevision:** A review of the franchise agreement with COMCAST revealed that they are obligated to “make a good faith effort.” The email with COMCAST on April 20, 2006 highlighted the City Council minutes from February 28, 2005 that state in part:

Moved by CM McIvor, second by CM Navock, to accept the COMCAST agreement with the current 3% franchise fee for a 10 year period. A Section is to be added to the contract stating that system upgrades are to be complete by 6/1/06 or Section 10.2 of the contract will take immediate effect. **ROLL CALL VOTE:** Lukacs-yes, Navock-yes, McIvor-yes, Miller-yes, Lee-yes, Blatt-yes. 6-yes, 0-no, 0-absent, 0-abstain. Motion carried.

A follow-up email requested an update on the status of the cable upgrade. A copy of the response is attached (cherry). How does the City Council wish to proceed?

The City Council had no recommendations.

- 10. City Internet and Webpage:** Great Lakes Internet of Croswell provides City Hall's broadband internet service at no charge as part of the agreement to have their antennae on the water tower. They also host the City's webpage at no charge. Great Lakes Internet was also the lowest bidder (by half) to build the webpage. We have not received the estimated \$400 bill for them to set up the web page. Because the webpage and contents were designed and written by staff, there was considerable savings to the City. Expenses to date (not counting multiple trips to Croswell and CD's to transfer information) the cost to the City for the webpage has been \$118.95 for the purchase of software to allow staff to update the site rather than pay a second party to do this. The police Nextel wireless laptop connection in the patrol cars, to access the Law Enforcement Information Network (LEIN) and communicate with the Sheriff's Department, is \$22.18 per month.
- 11. BCTV and Assessor's Database:** The computer built in 1999 that was used to host Channel 6 BCTV and would not allow access to one of the two databases used by the City Assessor. Investigation revealed the GUI had to be upgraded from Windows 98 to Windows XP. The cost for the upgrade was \$200. Rather than upgrade a completely obsolete computer, a new one was purchased for \$364.99. Information was transferred from the old computer by staff at no additional cost. We will continue to use the old monitor.
- 12. ECMPDR:** The executive committee for the East Central Michigan Planning and Development Region (ECMPDR) has scheduled an emergency meeting in Midland for Monday, October 9<sup>th</sup> at 3 PM. The chairperson has requested that representatives from all the member organizations (to include Brown City) have a representative at this meeting. I will provide the City Council with a summary of the events of this meeting when approved by corporate counsel.
- 13. Friday 13<sup>th</sup>:** Barring emergent tasking, I plan to out of the office on October 13<sup>th</sup>.

**ATTORNEY REPORT:** No new business.

**COMMITTEE REPORTS:**

1. Police – none.
2. Water and Sewer – Meeting was held just prior to City Council Meeting. Minutes will be available at a later date. Discussion regarding ongoing process to correct drainage problems in recently flooded areas of town (north and south of Vine Street, and the area between James and Walters Streets and Second and Fourth Streets). Recommendation that Tax and Finance review finances for this proposed project. Discussion regarding DEQ Financial Plan, information will be forwarded to Council when available.
3. Tax and Finance – Committee meeting scheduled for 10-12-06 at 9:30 a.m.
4. Streets and Sidewalks – none.
5. Buildings and Grounds - none.
6. Personnel – none.

**GENERAL CONCERNS OF THE COUNCIL:** None.

## **MAYOR'S REPORT:**

Mayor Carpenter presented Letters of Commendation to the Brown City Fire Department, Sanilac County Emergency Management Director Todd Hillman, and Steve Kohler for their outstanding assistance during recent flooding.

Motion by CM McIvor, second by CM Wood, to direct the Mayor and Clerk to sign the City Assessor's Contract with City Attorney recommended changes. Motion carried.

## **PUBLIC QUESTIONS AND COMMENTS:**

Jim Seigler explained his concerns with the engineering firm that the council is considering hiring for correcting specific storm water problems. He requested that the firm with the most experience be highly considered to correct this ongoing problem even though they would cost more money.

Gary Abel asked who will be inspecting ditching project completion north of Third Street before erosion and seeding is completed. CM Lents stated that he will volunteer to shoot grades before the contractor leaves the site and before erosion and seeding mats are installed.

Motion by CM Miller, second by CM Lee, to adjourn at 8:38 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel  
City Clerk