

City of Utica
Regular Council Meeting
February 10, 2015

The City Council meeting was called to order by Ken Sikora at 7:30 p.m.

Members present: Sikora, Osladil, Montag, Cuddington

Absent: Noonan, Barthelmeh, Terenzi

The City Council meeting was called to order by Ken Sikora, who led the pledge of allegiance at 7:30 p.m.

Minutes of 1/13/15 & 1/20/15

Motion by Montag, seconded by Osladil, to approve the minutes of 1/13/15 & 1/20/15
Voting all ayes, motion **CARRIED**.

Unfinished Business

None.

Consent Business

None.

Correspondence

Motion by Montag, seconded by Cuddington, to receive and file the correspondence from: Mayor Noonan and Barb Montag DPW Snow Plowing Compliment, Pam Sordyl Puppy Mill Awareness. Voting all ayes, motion **CARRIED**.

Motion by Montag, seconded by Cuddington, to approve the request for the Knights of Columbus Tootsie Roll Drive 3/27/15 to 3/29/15. Voting all ayes, motion **CARRIED**.

New Business

Department Reports

Mayor Noonan

No report.

Council Reports

Barb Montag, Council member reminded all of the Ice Festival this weekend.

Assessing- Nancy Strehl, Assessor

No report.

Building- Jerry Owczarzak

No report.

Fire- Kevin Wilseck, Chief

No report.

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Police- Dave Faber, Chief

No report.

DPW- Bill Lang, Superintendent

Bill Lang, Superintendent, thanked the DPW employees for their hard work removing snow and clearing streets.

Deputy Treasurer- Kathleen Bond

No report.

Administration- Beth Ricketts, City Clerk

Amend Minutes of 10/11/11-rezoning clarification

Motion by Montag, seconded by Osladil, to amend the minutes of 10/11/11 to read: “ to approve the rezoning of a portion of parcel 07-35-300-050 containing 4.41 acres and parcel 07-35-300-053 from MXD to R3 as an overlay district”. Voting all ayes, motion **CARRIED**.

Library- Marsha Doege, Director

No report.

Parks and Recreation Commission

Barb Montag, Chairman, requested permission and funding for the Easter Egg Hunt, Old Mill Arts and Crafts, Car Show, Labor Day Bridge Walk and Tree Lighting for 2015.

Motion by Sikora, seconded by Cuddington, to approve the requested events. Voting all ayes, motion **CARRIED**.

Historic District Commission

No report.

City Attorney- James McGrail

No report.

Planning Commission

Steve Cassin, the City Planner, reported that the Planning Commission recently approved the relocation of a MRI trailer at 11051 Hall Rd. and we will be continuing work on the Master Plan update.

Senior Housing Steering Committee

No report.

Brownfield Redevelopment Authority

No report.

Bills Payable

Motion by Cuddington, seconded by Montag, to approve the payment of all bills as presented. Voting all ayes, motion **CARRIED**.

Public Hearing

CDBG Funding FY15

Motion by Montag, seconded by Cuddington, to open the public hearing at 7:40 p.m.

Voting all ayes, motion **CARRIED**.

Bill Lang, Superintendent, explained the request for \$90,000 to repair the fire suppression at Senior Housing, 7650 Greeley. The sprinkler system has three levels, the garage at a cost of \$55,000, the 3rd level at a cost of \$100,000 and the attic at a cost of \$110,000. He stated the upper level should be repaired first and is requesting \$90,000 in CDBG funding. Also, flooring and HVAC units need replacing.

Maggie Varney, Wigs 4 Kids, was present to request \$1,000 in funding. They provide wigs and support services to children experiencing hair loss as a result of illness and treatment at no cost to them. Wigs are not funded through hospitals or the State.

Dorie Vazquez-Nolan, Executive Director of Care House, was present to request \$550 in funding. They provide services to child victims of sexual and physical abuse, at no cost to the families. Chief Faber supports Care House and stated the Utica Police Department has used their services.

Marsha Doege, Library Director, supports the Macomb Literacy Program. They have used the Library for tutoring and provide assistance with reading, health, financial and career needs.

Council members discussed the service group funding.

As there were no other comments from the public, motion by Montag, seconded by Osladil, to close the public hearing at 8:00 p.m. Voting all ayes, motion **CARRIED**.

Motion by Montag, seconded by Cuddington, to approve the allocation of FY15 CDBG funding to the following service groups:

Utica Pioneers \$1500, Care House \$1,100, Wigs 4 Kids \$1,600, Turning Point \$1,100, Macomb Literacy Program \$1,000, McRest\$1,100.

And to approve the allocation of \$82,600 for the repairs to the building and replacement of the fire suppression system at Riverside 175, Senior Housing 7650 Greeley. Voting all ayes, motion **CARRIED**.

Temporary Structures 45108 Cass & 7715 Auburn March

Motion by Cuddington, seconded by Osladil, to open the public hearing at 8:03 p.m.

Voting all ayes, motion **CARRIED**.

Joseph Mayernik, owner, was present to request a temporary tent over his enclosed patio at 7715 Auburn Rd., from 3/15/15 to 3/18/15.

John Sattmann, owner, was present to request a temporary tent 30x30, on city sidewalk and 5 public parking spaces from 3/15/15 to 3/18/15. Safety structures will be placed around the exterior as necessary.

Dennis Creagh, owner Utica Pump, was present to express parking, past problems and has concerns. He would like the tent installations done in a timely fashion, so they do not interfere with parking for his customers and block his business location.

As there were no other comments from the public, motion by Montag, seconded by Osladil, to close the public hearing at 8:11 p.m. Voting all ayes, motion **CARRIED**.

Motion by Cuddington, seconded by Sikora, to approve the temporary tents at 45108 Cass and 7715 Auburn on 3/15/15 to 3/18/15, as presented. Voting all ayes, motion **CARRIED**.

Temporary Structures 45108 Cass & Auburn Rd, for Ice Festival

Motion by Montag, seconded by Cuddington, to open the public hearing at 8:12 p.m.

Voting all ayes, motion **CARRIED**.

Linda Davis-Kirksey and John Sattmann, chairpersons, were present to request a temporary structure at 45108 Cass, to protect the amateur ice carvers during the Ice Festival of 2/13/15 to 2/15/15. The tent will be on the sidewalk and across 5 public parking spaces. John Sattmann is donating the cost of the tent.

Dennis Creagh would like the tent removed Sunday evening. John Sattmann will try to comply.

As there were no other public comments, motion by Osladil, seconded by Cuddington, to close the public hearing at 8:21 p.m. Voting all ayes, motion **CARRIED**. Motion by Montag, seconded by Osladil, to approve the temporary tent at 45108 Cass from 2/13/15 to 2/16/15. Voting all ayes, motion **CARRIED**.

Billboard Sign to extend over roof/parapet

Motion by Cuddington, seconded by Montag, to open the public hearing at 8:22 p.m.

Voting all ayes, motion **CARRIED**.

Mike Taylor, attorney, was present to request a variance to erect a billboard sign over the roof/ parapet of 45637 Van Dyke. He also requested that all four variances that were applied for be voted on.

Steve Cassin, the City Planner, recommends denial of all four variances as there is nothing unique to the property and the variance requests are self created. The property owner is already using the property in the manner consistent with the zoning ordinance. The use would continue without the variance. The excessive size, height and close proximity to the adjacent residential neighborhood would detrimentally impact the adjacent homes. In his opinion, there is nothing unique to the property, and the variance request is self-created based upon the property owner's desire to increase financial gain by overbuilding the site. In the December 9, 2014 Council meeting a motion was made to send the request back to Planning Commission as the billboard requests are incomplete.

At the 2/4/15 Planning Commission meeting members took no action on the variance as the petitioner did not attend the meeting.

Councilman Osladil stated the property has been used as a business for years without a billboard sign.

Councilman Cuddington stated the billboard is detrimental to the residents.

Jim McGrail, the City Attorney, stated that it is inappropriate for Council to vote with no Planning Commission recommendation.

Stan Malewski, 45440 Platt, a member of the Flickinger subdivision group, used social media to get residents comments on the proposed billboard sign, all responses were adamantly opposed due to it being an eyesore, lower property values and a danger to the immediate school crossing zone.

Mike Taylor felt that the ZBA does not have to have Planning Commission's recommendation. Discussion was held regarding section 1903 rules; no appeal shall be taken to the city from a decision of the planning commission in connection with an approved site plan unless such appeal has first been reviewed by the planning

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commission and a recommendation on the variance is provided by the planning commission..

Beth Ricketts, City Clerk, stated that Mayor Noonan wanted to remind Council that when Van Dyke was reconstructed the intent was to remove all rooftop and pylon signs, to have a universal look of monument signs along the Van Dyke corridor. Also that she feels with all the ingress and egress, major intersection and pedestrian traffic in the vicinity of Van Dyke and Hahn the billboard sign would be very distracting to drivers.

As there were no other comments from the public, motion by Sikora, seconded by Cuddington, to close the public hearing at 8:45 p.m. Voting all ayes, motion **CARRIED**.

Motion by Sikora, seconded by Montag, to table the variance request and return the variance request to Planning Commission for their recommendation and for all documents. Voting all ayes, motion **CARRIED**.

Communication from the Public

None.

Adjournment

As there were no further comments from the public, motion by Cuddington, seconded by Osladil, to adjourn the meeting. Voting all ayes, motion **CARRIED**. Meeting adjourned at 8:45 p.m.

Beth Ricketts
CITY OF UTICA
City Clerk