

City of Utica
Regular Council Meeting
August 12, 2014

The City Council meeting was called to order by Mayor Noonan at 7:03p.m.

Members present: Sikora, Osladil, Terenzi, Montag, Cuddington, Noonan
Absent: Barthelmeh

Executive Session

Motion by Montag, seconded by Osladil, to recess to executive session to discuss litigation. Voting by roll, all ayes, motion **CARRIED**.

The City Council meeting was reconvened by Mayor Noonan, who led the pledge of allegiance at 7:30 p.m.

Minutes of 7/8/14

Motion by Sikora, seconded by Terenzi, to approve the minutes of 7/8/14. Voting all ayes, motion **CARRIED**.

GSE Sports Facility

Zain Masters, Director of Research & Strategy, General Sports and Entertainment, was present to explain the request for a proposed minor league ballpark on parcel 07-33-453-010, west of the Clinton River and north of Auburn Rd. The project will have seating for 2,500, and most probably have artificial turf with a state of the art sound system as to reduce noise to residents. Operational hours will be for 4 months of the year with other events throughout the year such as, City or DDA sponsored concerts, fairs, holiday events and a possible ice skating rink. The property is currently owned by the Downtown Development Authority and would be leased to GSE with an option to purchase one or both parcels of land. A 500 space parking lot will be developed, in conjunction with the DDA on the east side of the Clinton River, with a pedestrian bridge.

Public Hearings

St. Lawrence Applefest 9/5/14-9/7/14

Motion by Noonan, seconded by Montag, to open the public hearings at 7:45 p.m. Voting all ayes, motion **CARRIED**.

Sam Serra, Chairperson, was present to request permission for temporary use of tents and carnival for the annual St. Lawrence Applefest to be held on 9/5/14-9/7/14 along with necessary temporary signage. As there were no other comments from the public, motion by Terenzi, seconded by Montag, to approve the temporary use request for the St. Lawrence Applefest of 9/5/14-9/7/14, as presented. Voting by roll, all ayes, motion **CARRIED**.

Harbor Freight Temporary Tent Request 8/22/14-8/24/14

Ray Naughton, Store Manager, was present to request a temporary tent on 8/22/14-8/24/14, to be place in the parking lot of 45150 Utica Park Blvd. As there were no other comments from the public motion by Terenzi, seconded by Osladil, to approve the temporary tent for Harbor Freight, 45150 Utica Park Blvd. on 8/22/14-8/24/14, as presented. Voting by roll, all ayes, motion **CARRIED**.

GSE Sports Facility Conditional Use (Continued)

Jeff Berz, resident, stated he is in favor; it's a great asset to the City.

Janice Haines, resident, believes it will help preserve Utica as a small town.

Jeff Farrington, State Representative, is generally in favor and questioned what would happen if they withdraw from the project. Answer; there is a ground lease with a performance bond to cover possible demolition.

Chris Harris, President of the UFFA and Vice President of the Utica Lions Club, is excited and thinks it is a fantastic idea. His family members are big baseball fans and believe it will be a great family function that brings energy, activity and makes the City alive.

Randy Plante, resident, spoke on his recent visit with a Cub Scout group to the Toledo stadium and what a great destination; it's a wonderful plan and that his neighbors support the project.

Richard Cleary, owner of Hatchy's, travels for entertainment and believes it's a great opportunity and encourages everyone to get behind the project.

Joe Mayernik, 33 year business owner, has witnessed a drop in business and the current resurgence. He strongly encourages a yes vote.

John Sattman, business owner, says Wow! and is excited and proud to be a DDA member involved with this project.

Mark Hackel, Macomb County Executive, is very excited for Utica and Macomb County. He has been looking for enhancements to the tri-county area. He spoke on Freedom Hill and what a success it is and that this is a far greater project and one heck of an asset. The County will work with the City to bring this project to completion.

Linda Davis-Kirksey, City Grant Writer and resident of Rochester, along with her spouse Steve, believes this is the best thing that has ever come to this community and the project needs to be a partnership effort.

Kevin Wilseck, Fire Chief, stated the car show had big turnout, the baseball park proposal was on the table for viewing and there were nothing but positive comments.

Chuck Cuddington, Councilmember, asked if they had employees lined up and if residents would be hired. Answer; not currently and yes residents would be welcome to apply for jobs. With the current high rainfall is there any change to the plan? Answer; the site was looked at and there was no flooding. No changes to elevations will be made. Will there be double headers? Answer; games will run from approximately 7-11pm. Would they be buying property from the DDA? Answer; yes, purchase price plus 2-3%.

Ken Sikora, Councilmember, questioned the ground lease and who pays for the parking lot? Answer; it will be a 50\50 split with the DDA. There is no revenue to the City and the DPW has to clean the parking lot along with more traffic on our roads. Mayor Noonan responded that the stadium personnel will clean the lot after games, and there will be revenue when the proposed condos and retail are built as stated in the ground lease.

Bill Osladil, Councilmember, stated he has not had enough time to do due diligence on the project.

Faith Terenzi, Councilmember, stated she went to the DDA meeting in December and has researched Mr. Applebee (owner of GSE) who was voted entrepreneur of SE Michigan in 2003, along with his company growing into millions of dollars. The project is a risk but a worthwhile risk.

Barb Montag, Councilmember, stated that it is a positive project and worth the risk. Without the risk there would be no gain to the City.

Dave Faber, Police Chief, had spoken with the Police Chief in Midland (they also have a ballpark) and he stated that the Midland park has placed zero burden on their police department.

Bill Lang, DPW Superintendent, is in favor of the project and that it will not interfere in DPW operations.

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Nancy Strehl, City Assessor, stated that it is a worthwhile project and the estimated revenue from the additional construction would be \$55,000 to \$70,000 dollars and the City needs the tax revenue. Mayor Noonan asked the City Attorney if we could be sued if the project was turned down, possibly, yes. Also voting on conditional use must follow the 8 criteria spelled out in the zoning ordinance. The City Planner and planning commission recommend approval of conditional use and the site plan was approved.

As there were no other comments from the public, motion by Montag, seconded by Terenzi, to approve the conditional use for the ballpark stadium and parking lot, as presented. Voting by roll, 4 ayes, 2 nays (Sikora & Osladil) motion **CARRIED**.

Spirit Halloween 45290 Utica Park Blvd.- Conditional Use

Todd Stewart, District Manager, was present to request conditional use for a temporary retail store at 45290 Utica Park Blvd. It is a seasonal Halloween store open from 8/31/14 to 11/15/14. There will be no structural changes and signage will be the same as sizes as the previous business. As there were no comments from the public, motion by Sikora, seconded by Montag, to approve the conditional use request for a temporary retail store at 45290 Utica Park Blvd. Voting all ayes, motion **CARRIED**.

Unfinished Business

None.

Consent Business

None.

Correspondence

Motion by Sikora, seconded by Osladil, to receive and file the correspondence from: Utica/Shelby Township Kiwanis Club 2014 Peanut Drive Request; The Rhythm Roosters & a Chick Band, thank you; Shelby Township, thank you; Rose Burk, Old Mill Arts & Crafts, thank you; Detective Michael Pacteles, Detroit Police thank you; Clare & John Baxter, thank you; Ballot Language information. Voting all ayes, motion **CARRIED**.

New Business

Department Reports

Mayor Noonan

Clinton River Watershed Thank You & Renewal

Motion by Terenzi, seconded by Osladil, to approve the five year renewal for the Clinton River Watershed to provide storm water education, as presented and recommended by Mayor Noonan. Voting all ayes, motion **CARRIED**.

Waste Management Renewal

Discussion was held on the rubbish renewal contract and the pricing per ton of dirt removal at the Brownstone demolition site. The price of removal of debris/ dirt is \$12 per ton for contaminated dirt and \$15 for demo debris. The DPW currently pays \$22 per ton. Pat Greve of Waste Management estimate 1,000 tons of dirt will be removed. Along with the bargain pricing for dirt removal the City's waste rates are comparable to surrounding communities with no fuel surcharges to the City, making the rates even more of a bargain. Motion by Terenzi, seconded by Sikora, to renew the contract with Waste Management for City wide rubbish pick up from 7/1/15 to 6/30/2020 and for the debris/ dirt removal at the Brownstone parcel. Voting by roll, all ayes, motion **CARRIED**.

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Dick Duncan Proclamation

Mayor Noonan read the proclamation congratulating Dick Duncan as an outstanding citizen and dedicated contribution to the quality of automotive heritage in our community.

Council Reports

Mayor Noonan thanked Councilmembers Barthelmeh and Osladil for attending, Committee members: Rick & Meghan Michelon, Jon Crane, John Sattman and Jerry Noonan for their work on a great car show.

Councilmember Cuddington thanked the Dept. of Public Works and the fire Dept. for their help with the Car Show.

Councilmember Osladil thanked the Dept. of Public Works, Police and Fire for their help with the recent flooding in the City.

Assessing- Nancy Strehl, Assessor

Property Split 10-04-204-002

This item was withdrawn by the petitioner for this meeting.

Building- Jerry Owczarzak

No report.

Fire- Kevin Wilseck, Chief

Chief Wilseck thanks all the volunteers for their help with the Car Show. He stated we received a partial Assistance to Firefighters Grant of \$49,000 and thanked Bryan Orłowski and Randy Bawkon for help in writing the grant.

Police- Dave Faber, Chief

Chief Faber reported that 11335 Hall, the Sunoco Station, has applied for a new liquor license. Motion by Noonan, seconded by Sikora, to send a letter of objection to the Liquor Commission. Voting all ayes, motion **CARRIED**.

DPW- Bill Lang, Superintendent

Grant Approval- PRIP Funding, Auburn Road Resurfacing

Bill Lang, Superintendent, explained the recent PRIP funding from MDOT, for road resurfacing on Auburn Road of \$200,000 and there is no match required. Motion by Sikora, seconded by Cuddington, to approve the contract for PRIP funding, as presented. Voting by roll, all ayes, motion **CARRIED**.

Treasurer- Philip Paternoster

Act 345 Pension Report

Phil Paternoster, Treasurer, reviewed the Act 345 Pension report. No action necessary.

Administration- Beth Ricketts, City Clerk

Smart Credit Transfer FY15

Motion by Sikora, seconded by Cuddington, to approve the transfer of Utica's Smart Credits, both Municipal and Community Credits, to Shelby Township. Voting all ayes, motion **CARRIED**.

Library- Marsha Doege, Director

No report.

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Parks and Recreation Commission

No report.

Historic District Commission

No report.

City Attorney- James McGrail

Motion by Noonan, seconded by Terenzi, to approve the request to file litigation and pay the filing fee, as discussed in executive session. Voting all ayes, motion **CARRIED**.

Senior Housing Steering Committee

No report.

Brownfield Redevelopment Authority

Mayor Noonan thanked Macomb County for their allocation of funding for remediation of the old Brownstone property.

Bills Payable

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

Communication from the Public

Roger Clark and Mr. Randazzo, were present to request moving the Veteran's Memorial that is behind City Hall to Memorial Park. Fred Beck stated that the funds will be raised for the cost to move the memorial. A committee will be formed with Council members Cuddington and Osladil regarding the move.

Pam Sordyl spoke on pet stores who purchase dogs from puppy mills and is against this practice due to many bad conditions of these mills.

Sharon Center, 45076 Kensington, spoke against puppy mills and problems with pet stores that purchase from puppy mills.

Adjournment

As there were no further comments from the public, motion by Montag, seconded by Sikora, to adjourn the meeting. Voting all ayes, motion **CARRIED**. Meeting adjourned at 10:14 p.m.

Beth Ricketts
CITY OF UTICA
City Clerk