

**REGULAR MEETING
MINUTES**

AUGUST 18, 2008

THE REGULAR MEETING OF THE RICHMOND CITY WAS CALLED TO ORDER AT 7:02 P.M., ON MONDAY, AUGUST 18, 2008, BY MAYOR RIX.

Council members and the audience present stood for the Pledge and Invocation.

ROLL CALL

Present: Misteravich, Olson, Reindel, Rix, Schultz, Yaroch, Yelencich

Absent: None

Others: City Manager Moore, City Clerk Stagl

Visitors: Andrew Benoit from the Voice, City Planner Jeschke, Police Chief Privette, Donald Koehn, Judith Koehn, Jim Decker

APPROVAL OF MINUTES

Motion by **Yelencich**, seconded by **Olson**, to approve the minutes of the August 4, 2008, Regular meeting, as amended:

Pg. 1, correct Miss Richmond's name to read: Rosaria Berry

All yeas

Motion passes

AUDIENCE PARTICIPATION (non-agenda items)

None received.

ADOPTION OF AGENDA

Motion by **Yaroch**, seconded by **Schultz**, to adopt the Agenda as presented.

All yeas

Motion passes

CONSENT AGENDA

- a) Receive and File DPW Activity Report for July 2008
- b) Receive and File Clerk's Department Activity Report for July 2008
- c) Receive and File Parks and Recreation Activity Report for July 2008
- d) Receive and File Investment CD Report for July 2008
- e) Receive and File Treasury and Money Market Report for July 2008
- f) Receive and File Library Activity Report for July 2008

- g) Receive and File Bulk Water Sales Report for July 2008
- h) Receive and File Richmond Police Bulletins dated July 28th through August 10th, 2008
- i) Receive and File Police Department Statistics for July 2008
- j) Receive and File Code Violations Report for July 2008
- k) Receive and File Fire Department Incident Log for July 2008
- l) Receive and File Richmond-Lenox Community Transit Report for April through June 2008
- m) Receive and File June 9, 2008, Cable Commission Meeting Minutes
- n) Receive and File July 28, 2008, Tax Increment Finance Authority Meeting Minutes
- o) Receive and File Revenue and Expense Report for July 2008
- p) Approval of August 14, 2008, Schedule of Bills in the amount of \$966,582.40

Motion by **Yaroch**, seconded by **Yelencich**, to adopt the Consent Agenda as presented.

All yeas

Motion passes

PUBLIC HEARING

None scheduled.

ITEMS FOR CONSIDERATION

1. Consideration of Special Event Request/Decker Farm Sales

City Manager Moore informed Council Jim Decker from Decker Farms was requesting permission to have a special event tent sale at the Kmart Shopping Center Parking Lot. Mr. Decker would like to run this outdoor business from August through December. The tent to be used for the outdoor sales is 30 feet by 60 feet and would remain the entire time of the event.

The City Planner has reviewed this proposal. Since this item requires a special condition use permit, it is necessary for it to go before the Planning Commission. Because of the Public Hearing requirements for a special condition use permit, it wouldn't go before the Planning Commission until September 11th. Mr. Decker has a desire to open up the outdoor market as soon as possible, therefore administration had advise Mr. Decker to request a special event permit from City Council until the issue can be presented to the Planning Commission.

After reviewing the application, administration has concerns regarding the use of the Kmart parking lot in this way. It appears that Mr. Decker would like to operate this business from July through December in future years. This is a more permanent business than a temporary use.

Administration was recommending that the special event permit be denied.

Motion by **Olson**, seconded by **Schultz**, to deny the Special Event Activity request received from Richmond Market Place.

Discussion on motion:

Jim Decker informed council that he would eventually like to reopen the old Kroger Store – the financial institution he spoke with would like to see an initial temporary business for 60-90 days – the bankers want to see if the business would be viable – therefore, he was request a special event permit to allow the business to operate at least 60 days to develop a history and earnings potential to present to the bankers.

Council has the power to approve this request, however in the past the city has asked businesses utilizing parking lot, to remove their commercial operations from the parking lots or go before the Planning Commission for a Special Condition Use Permit. If this request is approved, Council could be faced with future requests from other businesses.

Misteravich stated that he saw this more as a temporary nature at the request of financial institutions to see if the business is viable – he appreciates that the applicant wants to reopen the old Kroger building. He sees the request as an outdoor display for a potential business that could open at this location.

Rix also agreed – always receive questions from residents on what’s happening with the old Kroger building and the need for another grocery store – do have concerns with setting a precedence – but if it works out the old Kroger building may be reopened as a new business.

Reindel – comfortable with the presentation by Jim Decker – understand that the Bankers want to see if the business would be viable at this location 0- leaving towards approving the request.

Yaroch – see the value in the potential future business. Did have concerns with setting precedence. Questioned if the applicant would reduce the length of time they wanted to operate the business – this way it would preserve the City’s application process and he would be in support of the request.

Rix stated that the reason for the approval would be for the need of an additional grocery store and to fill a vacant store front.

Yelencich stated that he was comfortable with the precedence of testing a new potential business.

Schultz stated that this would be a once time approval – if the applicant requested this in future years he will have to go before the Planning Commission for a Special Condition Use Request.

Olson – was originally against the proposal. Now she agrees with having a test of the market – this is a one-time only approval, for only 90 days.

Misteravich – this is a good opportunity for a new business – this applicant has the full support of all parties involved – they have a viable business plan.

City Manager Moore brought up the issues of the water source to be used and what type of signage would be allowed.

City Planner Jeschke informed Council that nothing in the ordinance addressed signage for temporary signage – it was his suggestion that the allowable signage be calculated at 10% of the tent frontage.

Mr. Decker questioned if he would be allowed to erect a changeable copy sign.

Yelencich and Olson were not in favor of approving a changeable copy sign – they did not feel it would be fair to other businesses.

Yaroch questioned the amount of signage allowable for special events. City Planner Jeschke informed Council that this was not addressed in the Ordinance.

Mr. Decker was requesting permission to tap into the hydrant for his water source. Council did not have a problem with this as long as the water was metered and the applicant paid standard water and sewer rates.

Council has the power to approve this request, however in the past the city has asked businesses utilizing parking lot, to remove their commercial operations from the parking lots or go before the Planning Commission for a Special Condition Use Permit. If this request is approved, Council could be faced with future requests from other businesses.

Vote on motion:

All nays

Motion denied

Motion by **Rix**, seconded by **Yaroch**, due to the unique nature of the request and its proximity to the old Kroger store front, and Council’s desire to foster a new business in the old Kroger building, Council grants permission to Decker Farms Sales for permission to have a “special event” tent sale at the Kmart Shopping Center Parking Lot, subject to the following conditions:

- a. The tent to be used will not exceed 30 feet by 60 feet.
- b. Once erected, the tent can only be used for 60 calendar days.
- c. The applicant will secure all applicable State, Council and City permits.
- d. The applicant is allowed to tap into the fire hydrant, with standard water and sewer rates to be charged.

- e. The applicant is allowed to use only a garden hose to tap into the fire hydrant and the hose is only allowed to be out during the regular hours of the business.
- f. The Applicant is granted permission to forego the Planning Commission requirement at this time due to Council's approval of the Special Event Activity Form.

All yeas

Motion passes

Motion by **Yelencich**, seconded by **Olson**, to establish the signage for the Special Event Activity for the Richmond Market Place as follows:

- a. Signage is set at 10% of the tent frontage which is equivalent to 30 square feet.
- b. The applicant is allowed to place an A-frame sign at the entrance to the tent.

Six yeas (Misteravich, Olson, Reindel, Schultz,
Yaroch, Yelencich)

One nay (Rix)

Motion passes

2. Consideration of Resolution No. 2008-15/Change in Board of Review Meeting Dates

Motion by **Olson**, seconded by **Yelencich**, to approve Resolution No. 2008-15, which authorizes an alternate starting day for the second meeting of the March Board of Review.

All yeas

Motion passes

CITY MANAGER'S COMMENTS

- The Code Enforcement Report has been put in Council's mailboxes.

COUNCIL COMMENTS

Olson – questioned when maintenance on the trail would begin. City Manager Moore stated this week. City Planner Jeschke further informed Council that the trail would be cut once in August, twice in September and once in October.

Yelencich – commented on how challenging item #1 was, but that he hoped we have business ventures proposed in the City in the future.

Yaroch – commented on item #1 – hope the applicant didn't feel Council was against his proposal – very much in favor of the proposal, but Council has to maintain fairness.

Misteravich – commented on having attended the new Lenox Township Hall grand opening.

Rix – questioned what happened to the sculptured town clock that had been at the Library. City Manager Moore would check into this and provide information to Council.

- reminder of upcoming calendar events:

- 8/20 – EDC at 7:00 pm
- 8/25 – TIFA at 7:00 pm
- 8/26 – Parks and Recreation at 7:15 pm
- 8/28 – PA425 meeting
- 8/30 – Library closed
- 9/1 – City Hall and Library closed
- 9/2 – Council Meeting at 7:00 pm
- 9/2 – First day of school
- 9/4 – Good Old Days Festival begins.

CLOSED SESSION

Motion by **Yaroch**, seconded by **Schultz**, to convene into closed session in accordance with Section 8 © of the Michigan Open Meetings Act, Public Act 267 of 1976, as amended, for strategy and negotiation sessions connected with the negotiation of a collective bargaining if either negotiating party requests a closed session.

A roll call voter was taken:

All yeas (Olson, Reindel, Rix, Schultz, Yaroch
Yelencich, Misteravich)

Motion passes

Council recessed at 8:25 pm to convene into Closed Session.

OTHER BUSINESS

Motion by **Yaroch**, seconded by **Yelencich**, to reconvene into open session at 8:52 pm.

All yeas

Motion passes

1. Consideration of Police Officers Labor Council/Communications Officers Collective Bargaining Agreement

Motion by **Yaroch**, seconded by **Misteravich**, to approve the Police Officer Labor Council – Communications Officers 2008-2011 collective bargaining agreement, as presented and authorize the city Manager and City Clerk to execute the same on behalf of the City.

All yeas

Motion passes

ADJOURNMENT

Motion by **Schultz**, seconded by **Reindel**, to adjourn the regular meeting at 8:54 p.m.

All yeas

Motion passes

Respectfully submitted:

Karen M. Stagl
City Clerk