

Meeting Minutes :

MINUTES OF THE ST. JOSEPH CITY COMMISSION MEETING HELD IN THE COMMISSION CHAMBERS, CITY HALL, ST. JOSEPH, MICHIGAN ON January 7, 2013.

PRESENT: MAYOR JUDD, COMMISSIONERS CHICKERING, GOFF AND RICHARDS

CITY MANAGER FRANK WALSH

CITY ATTORNEY LAURIE SCHMIDT

CITY CLERK DEB KOROCH

ABSENT: COMMISSIONER GAREY

Mayor Judd called the meeting to order at 6:00 p.m.

Commissioner Richards moved; seconded by Commissioner Chickering, approval of the January 7, 2013 Agenda, as presented. Roll call resulted as follows: Yeas: Commissioners Chickering and Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: Commissioner Garey. Motion carried.

Mayor Judd called for public comment.

There being no public comment, Mayor Judd presented the January 7, 2013 Consent Agenda:

- Disbursements paid since December 15, 2012 in the amount of \$490,575.27
- Minutes of the December 17, 2012 Precinct Meeting
- Minutes of the December 17, 2012 Regular Meeting

- Special Event - Magical Ice Fest - February 8-10 - St. Joseph Today
- 2013 Federal Poverty Guidelines and Board of Review Procedure

Commissioner Chickering; seconded by Commissioner Richards, moved the approval of the January 7, 2013 Consent Agenda, as presented. Roll call resulted as follows: Yeas: Commissioners Chickering and Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: Commissioner Garey. Motion carried.

The City Clerk presented for discussion a list of applicants for the vacant Housing Commission term created by the resignation of the resident commissioner, Ms. Camelia Bogan. She stated that five (5) residents had applied for the position.

Commissioner Goff; seconded by Commissioner Richards, moved the appointment of Howard Hutchinson to serve out the unexpired term of Camelia Bogan through May 1, 2014. Roll call resulted as follows: Yeas: Commissioners Chickering and Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: Commissioner Garey. Motion carried.

The City Clerk presented for discussion a draft amendment to the City of St. Joseph Employees' Retirement Fund Ordinance. She asked the Commissioners to consider giving a first reading to the amendment which would eliminate the mandatory retirement age for all general employees and raise the mandatory retirement age for public safety employees from 60 to 65 years of age.

Following discussion, **Commissioner Goff**; seconded by Commissioner Chickering, moved that the proposed foregoing ordinance be approved and given its first reading and that the second reading be scheduled for February 11, 2013. Roll call resulted as follows: Yeas: Commissioners Chickering and Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: Commissioner Garey. Motion carried.

The City Manager presented a request for a rezoning of the property located at 526 Upton Drive from the current zoning, R1-A single family resident district to a CO-A commercial office district. The findings and recommendations from the Planning Commission were received. The Planning Commission had voted 7 to 1 in favor of the rezoning. Following discussion whereby the Community Development Director stated that the subject property is the former site of Perry

Ballard Advertising and was originally built as the Ausco Credit Union; that the property went through the rezoning process in 1961 and; that staff is unable to find any zoning map that reflects any change and following maps showed the property as unzoned, as open space, and most recently as residential although the commercial use was continued.

Comments were received from the audience. The owner indicated the property was currently under contract for sale and that local banks were unwilling to grant a commercial loan for property zoned residential. Mr. Don Kamp, the realtor representing the property, stated that under the current zoning any new commercial enterprise would be required to seek a special use permit and banks are also skeptical of loaning funds on a venture that is operated under a special use permit. Mr. George Barfield, speaking on behalf of several adjacent neighbors in opposition to the rezoning, stated that such a zoning change would have a negative impact on their neighborhood because the commercial zoning regulations were too liberal with regard to the types of commercial ventures that could be allowed. Discussion ensued. Commissioner Chickering asked for clarification on requirements of both the special use permit and limited neighborhood business designations. The Community Development Director stated that under the zoning ordinance a residential property owner could seek authorization to operate a limited neighborhood business in a residential district if the business owner could assure staff that the business would not be intrusive to the neighborhood. Mayor Judd stated that he believed the current zoning with the opportunity for a limited neighborhood business would be the best fit for the neighborhood.

Following discussion which revealed that under Section 22.3 of the Zoning Ordinance there were other procedures that may be more appropriate alternatives than the proposed amendment, **Commissioner Goff**; seconded by Commissioner Richards, moved to reject the findings and recommendations of the Planning Commission and to deny the request to rezone the property located at 526 Upton Drive finding that a commercial office district would not be harmonious with the nearby residential district and could have a long-term negative impact upon the adjacent neighborhood. Roll call resulted as follows: Yeas: Commissioners Chickering and Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: Commissioner Garey. Motion carried.

Mayor Judd asked staff to facilitate a meeting between the property owner and the neighborhood residents to see if there was a way to address the concerns of all parties.

The City Manager presented a request for an amended PUD for the Harbor Village development at 800 Whitwam Drive. The findings and recommendations from the Planning Commission were received. The Planning Commission had voted 7-0 in favor of the amendment.

Mayor Judd opened a Public Hearing at 7:20 p.m. for the purpose of receiving public comment on the proposed amended Planned Unit Development.

Developer Ron Schults stated that in August 2012, the City Commission granted general approval for the planned unit development including the building locations, but required him to return with more detailed site plans for additional approvals; he further stated that the primary component of this request would be to obtain approval of a full site plan for the hotel building, although there are also other changes such as a temporary parking lot for the marina on space reserved for future development.

Gloria Mance of 911 Price Street, St. Joseph, Michigan asked if the new marina would interfere with commercial ships near the turning basin. Mr. Schults replied that it would not.

Ms. Nicole Moon of 326 Jakway, Benton Harbor, Michigan read a prepared statement in opposition to the development. Her concerns were primarily focused on environmental issues which had been addressed immediately following the August 2012 Public Hearing regarding the initial request for the planned unit development.

There being no further public comment, **Commissioner Richards**; seconded by Commissioner Goff, moved to close the Public Hearing at 7:45 p.m. Roll call resulted as follows: Yeas: Commissioners Chickering and Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: Commissioner Garey. Motion carried.

Following discussion, **Commissioner Goff**; seconded by Commissioner Richards, moved to accept the findings and recommendations of the Planning Commission and to approve the request from Edgewater Resources for an amended Planned Unit Development on the property at 800 Whitwam Drive, often referred to as "Parcel 3" showing the specific site plan for the hotel, slight revisions to the marina layout, and a location for a temporary marina parking lot, with the requested waiver and the following five (5) conditions: 1) City and Developer agreement required for joint parking and shared spaced be approved; 2) City and MDOT agreement obtaining the additional parcel be approved; 3) all future development of the parcels labeled as 'future development' on the drawings presented to the Planning Commission be presented to the Planning Commission and City Commission as amendments to the PUD; 4) the final building and site plan designs including parking, lighting, signage, utilities, and amenities should be

presented to the city for review and approval before construction begins; and 5) that Phase I be completed three years from the date of the initial PUD approval. Roll call resulted as follows: Yeas: Commissioners Chickering and Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: Commissioner Garey. Motion carried.

The City Manager presented a request for a Special Use Permit from Shull Real Estate Investment to allow the use of the property at 3205 Lakeshore Drive as a Bed and Breakfast. The findings and recommendations from the Planning Commission were received. The Planning Commission had voted 7-0 in favor of the Special Use Permit.

Mayor Judd opened a Public Hearing at 7:46 p.m. for the purpose of receiving public comment on the proposed Special Use Permit.

Owner, Mrs. Shull gave a brief description of the property and the plans for improvements and business operations. She stated that her background was in marketing and her husband's was in construction and that the Bed and Breakfast would be named the Painted Turtle.

Sylvia Lieberg of 810 State Street, St. Joseph, Michigan asked the square footage of the home; the home is approximately 3,376 square feet.

There being no further public comment, **Commissioner Richards**; seconded by Commissioner Goff, moved to close the Public Hearing at 7:55 p.m. Roll call resulted as follows: Yeas: Commissioners Chickering and Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: Commissioner Garey. Motion carried.

Commissioner Goff; seconded by Commissioner Richards, moved to accept the findings and recommendations of the Planning Commission and to approve a Special Use Permit for 3205 Lakeshore Drive, finding that the request from Shull Real Estate Investment to allow the use of the property located at 3205 Lakeshore Drive as a Bed and Breakfast meets the general standards under Section 11.5 of the Zoning Ordinance and specific standards under Section 11.12.11.A as well as the other applicable standards. Roll call resulted as follows: Yeas: Commissioners Chickering and Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: Commissioner Garey. Motion carried.

The City Engineer presented for discussion a proposal from Abonmarche Consultants and Integrity Structural Engineering to work together to design and administer the construction of the Park Street Bridge Project at a total cost of \$91,560.

Commissioner Goff; seconded by Commissioner Chickering, moved approval to hire Abonmarche Consultants and Integrity Structural Engineering at a total cost of \$91,560 for the design and construction administration of the Park Street Bridge Project. Roll call resulted as follows: Yeas: Commissioners Chickering and Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: Commissioner Garey. Motion carried.

The Public Works Director presented for discussion a brief power point to address resident concerns regarding the growing deer population within the city limits.

The Public Works Director presented for discussion Resolution 13-0:

City of St. Joseph

Resolution 13-01

A RESOLUTION APPROVING ACCEPTANCE OF A GREAT LAKES FISHERY TRUST GRANT

RESOLVED, that the City of St. Joseph, Michigan does hereby accept the terms of the Project Agreement as received from the GREAT LAKES FISHERY TRUST and that the City of St. Joseph does hereby specifically agree, but not by way of limitation, as follows:

- 1. To appropriate all funds necessary to complete the project during the project period and to provide ONE HUNDRED EIGHTY FOUR THOUSAND FIVE HUNDRED FOUR DOLLARS (\$184,504) to complete the project as authorized by the Great Lakes Fishery Trust.
- 2. To maintain satisfactory financial accounts, documents, and records to make them available to the TRUST for auditing at reasonable times.
- 3. To construct the project and provide such funds, services and materials as may be necessary to satisfy the terms of the Agreement.

- 4. To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution.

Commissioner Goff, seconded by Commissioner Chickering, moved the approval of Resolution 13-01 accepting the terms and conditions of the Great Lakes Fishery Trust project agreement and accepting a matching grant for the purpose of constructing improvements to the City Boat Launch, including a fish cleaning station and restrooms. Roll call resulted as follows: Yeas: Commissioners Chickering and Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: Commissioner Garey. Motion carried.

The Chief Building Official presented his annual Building Department Report for the calendar year 2012.

There being no further business, Mayor Judd moved to adjourn at 8:07 p.m.

Mayor Judd

City Clerk