

REGULAR MEETING OF THE WEST BRANCH CITY COUNCIL HELD IN THE COUNCIL CHAMBER OF CITY HALL, 121 NORTH FOURTH STREET, MONDAY, JANUARY 18, 2016.

Mayor Pro Tem Denise Lawrence called the meeting to order at 6:00 p.m.

Present: Council Members Kim Ervans, Jim Hasty, Dave Lucas, Timothy Schaiberger, and Rusty Showalter.

Absent: Mayor William Ehinger.

Other officers present: City Manager Heather Grace, Treasurer/Clerk John Dantzer, Deputy Clerk/Treasurer Michelle Frechette, Police Chief Ken Walters, and Department of Public Works Superintendent Dennis Jameson.

All stood for the Pledge of Allegiance.

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Mayor Pro Tem Lawrence opened the public hearing on the Lahti Fabrications tax abatement request at 6:02 pm.

Member Showalter was concerned that the construction of the addition was just about completed before the abatement was applied for.

Member Lawrence was concerned that the new addition was just going to be for storage and no new machinery was going into this part, just the old part, so the abatement would be for basically storage and not for the creation of new jobs which is what the abatement should be for.

Member Ervans and Member Schaiberger also voiced their concern that there seems to be some question as to how many jobs are going to be created by this and it appears the maximum would be two. They further noted that the abatement for twelve years was way too much when he may be only adding a maximum of two new employees.

MOTION BY LUCAS, SECOND BY ERVANS, TO CLOSE THE PUBIC HEARING ON THE TAX ABATEMENT REQUEST FROM LAHTI FABRICATING.

Yes – Ervans, Hasty, Lawrence, Lucas, Schaiberger, Showalter

No – None

Absent – Ehinger

Motion carried

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MOTION BY LAWRENCE, SECOND BY SCHAIBERGER, TO APPROVE THE MINUTES AND SUMMARY OF THE MEETING HELD JANUARY 4, 2016.

Yes – Ervans, Hasty, Lawrence, Lucas, Schaiberger, Showalter

No – None

Absent – Ehinger

Motion carried

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MOTION BY SHOWALTER, SECOND BY SCHAIBERGER, TO RECEIVE AND FILE THE POLICE DEPARTMENT REPORT AND THE TREASURER’S REPORT FOR DECEMBER 2015

Yes – Ervans, Hasty, Lawrence, Lucas, Schaiberger, Showalter

No – None

Absent – Ehinger

Motion carried

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Mayor Pro Tem Lawrence shared a letter from the Up North Prevention group asking to support their efforts to raise awareness on underage drinking and social host activities within communities by passing a resolution to proclaim April as Social Host Responsibility Month.

MOTION BY SCHAIBERGER, SECOND BY LAWRENCE TO ADOPT THE FOLLOWING RESOLUTION.

WHEREAS, adults who provide alcohol to those below the legal drinking age of 21 are placing those youth at risk for health, safety, and legal problems, and

WHEREAS, underage drinking is a problem that affects our community, our health, and our future. It exacts a terrible toll on individuals and families, and places a costly tax burden on the community at large for law enforcement, medical services ,and other social services involved in the prevention and treatment of underage drinking, and

WHEREAS, the Centers for Disease Control and Prevention (CDC) estimates that, on average, alcohol is a factor in the deaths of 4,358 young people under age 21 each year. This includes: 1,580 deaths from motor vehicle crashes; 1,269 from homicides; 245 from alcohol poisoning, falls, burns, and drowning; 492 from suicides, and

WHEREAS, Youth who start drinking before age 15 years are five times more likely to develop alcohol dependence or abuse later in life than those who begin drinking at or after age 21 years, and

WHEREAS, according to the 2012 Michigan Profile for Healthy Youth report, of 14 counties of northern Michigan who participated, an average of 26% of 9th graders and 52% of 11th graders have been drunk in their lifetime, and

WHEREAS, one-hundred percent of any alcohol consumed by a minor came from an adult. At one time, and adult over the age of 21 was in control of the alcohol and a minor gained access to it, and

WHEREAS, it is illegal for adults to knowingly allow their child's friends to drink alcohol in their home, even with the permission of the friends' parents, and adults have the authority and should have the responsibility to take steps to reduce the likelihood that their homes will become venues for underage drinking, and

NOW, THEREFORE BE IT RESOLVED, we, the West Branch City Council of Ogemaw County, a Community Committed to UNDERAGE DRINING PREVENTION, do hereby proclaim that April 2016 is Social Host Responsibility Month. We also call upon all parents, citizens, homeowners, and property owners to host gatherings responsibly and take measures to eliminate access of alcohol to persons under the age of 21

Yes – Ervans, Hasty, Lawrence, Lucas, Schaiberger, Showalter

No – None

Absent – Ehinger

Motion carried

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A thank you letter from the Ogemaw County Clergy Fellowship was shared.

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Member Showalter reminded everyone about the Capital Conference coming up.

Member Schaiberger noted that he is now in charge of getting presenters for the Kiwanis meetings and if anyone is interested in being a presenter to let him know.

Member Hasty noted that he would like to see the City do something to help the people of Flint, possibly by raising money to send water to them.

Mayor Pro Tem Lawrence noted that she was at the last 911 meeting and they are having some issues and will be looking at getting security cameras for their building. She also noted that she attended the

EMS meeting and the accountant went over their financial numbers. She also gave updates on the last Fabulous Friday's meeting.

Manager Grace updated Council on recent hirings to the Waste Water Treatment Plant and the Department of Public Works. She further noted that the new position of lead heavy equipment operator has not been filled.

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MOTION BY SHOWALTER, SECOND BY LUCAS, TO PAY THE BILLS IN THE AMOUNT OF \$75,242.44.

Yes – Ervans, Hasty, Lawrence, Lucas, Schaiberger, Showalter

No – None

Absent – Ehinger

Motion carried

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MOTION BY SCHAIBERGER, SECOND BY ERVANS, TO AUTHORIZE HEATHER GRACE, JOHN DANTZER, MICHELLE FRECHETTE, WILLIAM EHINGER, AND DENISE LAWRENCE TO SIGN FOR CHECKS AND MAKE WITHDRAWALS.

Yes – Ervans, Hasty, Lawrence, Lucas, Schaiberger, Showalter

No – None

Absent – Ehinger

Motion carried

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Manager Grace presented information on a home that was up for foreclosure and noted that as lien holders, the City had the right to pay the back taxes and then could take over the foreclosure process and take possession of the land.

It was the consensus of Council that the land would not be of any value to the City and therefore, did not elect to take any action on the foreclosure.

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Manager Grace asked for opinions on when it would be best to schedule the first meeting of the Charter Change Committee. She further noted that they had originally appointed three members to the committee but she had received some concerns that maybe the entire Council should be on the

Committee. Member Schaiberger noted that if every member was on it, then it would have to be handled as a Special Council meeting and could become counterproductive. Mayor Pro Tem Lawrence thought it would be best to stay at three and that they report back to the Council on the meetings. Manager Grace further noted that she is looking to get the list of participants from the Community and it was agreed upon that in the evening would be the best time to hold the meetings because most people have jobs going on during the day.

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Mayor Pro Tem Lawrence reissued a water reduction bill request from Nicholas Jackson that was postponed from a previous meeting due to there being a question on how many people were currently living in the home. Clerk Dantzer noted that Mr. Jackson was in and signed a letter stating he is the only person currently living in the home and that he apologized for not being able to make it to the meeting because he recently started a new job where he works nights.

MOTION BY LUCAS, SECOND BY ERVANS, TO APPROVE THE WATER BILL REDUCTION REQUEST FROM NICHOLAS JACKSON AND BASE HIS REFUND ON AN AVERAGE OF THE NEAREST FOUR QUARTERS OF USAGE.

Yes – Ervans, Hasty, Lawrence, Lucas, Schaiberger, Showalter

No – None

Absent – Ehinger

Motion carried

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MOTION BY SHOWALTER, SECOND BY ERVANS TO APPROVE THE SECOND READING OF THE FOLLOWING ZONING AMENDMENTS.

TABLE 8. USES: MIXED USE (MU) DISTRICT

<u>Uses By Right</u>	<u>Uses By Special Permit</u>		
<ul style="list-style-type: none"> • All uses allowed by right in the Single Family R1 district • Up to 50% of parcels within the MU district are allowed by right to conduct any use listed as a use by right in either the CBD District or the GB district. 	USE:	REGULATED IN:	
	Any use by right allowed in either the CBD or the GB district—special use permit required for a parcel that would cause the district to become less than 50% use as Single Family R1 district.	Tables 2, 5, & 6	
	Home occupations	Section 7.9 Home Occupations	
	Planned unit developments	Section 7.15 Planned Unit Development	
	Public service installations	Section 7.16 Public Buildings, Utilities and Service Installations	
	Religious and educational Institutions	Section 7.11 Institutions: Religious, Educational, Social, Human Care, Incarceration, Retreats	
	State licensed residential facilities for 7 or more residents	Section 7.11 Institutions: Religious, Educational, Social, Human Care, Incarceration, Retreats	

TABLE 9. DIMENSIONAL STANDARDS

ZONING DISTRICT	Single Family		Multiple Family	Office	Central Business District	General Commercial	Industrial
	< = 7200	>7200					
Lot Area	< = 7200	>7200	10,800	none	none	10,800	22,000
Lot Width	60	80	100	none	none	100	200
Front Yard	25 (a)	25 (a)	30	15	10	25	25
Rear Yard	15	20	30	20	10	25	25
Side Yard, Min. 1 side	8	8	15	15	None (c)	20 (c)	25 (c)
Corner Lot, Street, min.	15 (b)	15 (b)	25	25	15	25	25
Housing Unit., Min. s.f.	1200	1200	600	NA	NA	NA	NA
Housing Unit, Min. dim.	24	24	24	NA	NA	NA	NA
Height, Max. Feet	36	45	45	45	45	45	45
Height, Stories	2	3	3	3	3	3	3
Coverage, Max. Percent	60%	50%	50%	75%	none	75%	50% (d)
Accessory Structures max sq. ft.	864	864	NA	NA	NA	NA	NA

- 1) For two (2) uses per structure, eighty (80%) percent of the otherwise combined required parking.
 - 2) For three (3) uses, seventy-five (75%) percent.
 - 3) For four (4) uses, seventy (70%) percent.
 - 4) For five (5) or more, (65%) percent.
 - 5) In no case shall less than sixty-five (65%) percent be allowed.
- b. PARKING SURFACE: All parking shall be on an approved paved surface with the exception of parking for campgrounds, RV parks, cemeteries, parks and other outdoor recreational uses.

Mixed use districts

a. Parking requirements in mixed use districts depend upon the use of the parcel in question, with parcels proposed to be used as Single Family Residential being governed by Section 5.3 of this Chapter and parcels proposed to be used as commercial/business being governed by Section 5.4 of this Chapter.

Number of Parking Spaces Required

Parking or storage of motor vehicles shall be provided for in all districts in connection with all industrial, commercial, business, trade, institutional, recreational, or dwelling uses and similar uses. If a use is not specifically listed, the parking requirements of a similar or related use shall apply as determined by the Zoning Administrator. Handicapped parking shall be provided.

- a. FLOOR AREA. In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the total floor area, except that such floor area need not include any area used for incidental service, storage installations of mechanical equipment, penthouses, housing ventilators and heating systems, and similar uses.
- b. MULTIPLE USES. In case of a situation where there is more than one use in a single structure the following off-street parking regulations may apply. The Planning Commission shall have the power to reduce parking further in the case of shared drives, shared parking or other circumstances where a reduction in parking will contribute to the safety, function or overall site design.
 - 1) For two (2) uses per structure, eighty (80%) percent of the otherwise combined required parking.
 - 2) For three (3) uses, seventy-five (75%) percent.
 - 3) For four (4) uses, seventy (70%) percent.
 - 4) For five (5) or more, (65%) percent.
 - 5) In no case shall less than sixty-five (65%) percent be allowed.

Table 1. Uses Permitted by Special Use Permit

	Districts						
	R1	RM	OS	CBD	GB	I	MU
X = Allowed by Special Use Permit							
Body Shops and Towing Operations					X		
Car Washes, Automatic or Self-Service					X		
Commercial Recreation, Indoor and Outdoor				X	X		

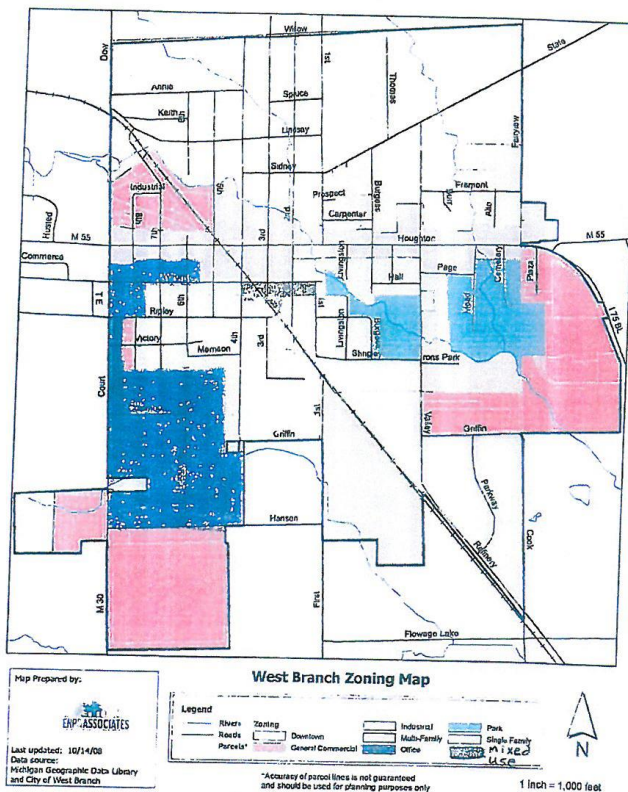
	Districts						
	R1	RM	OS	CBD	GB	I	MU
X = Allowed by Special Use Permit							
Day Care Centers, Nursery Schools, Day Nurseries		X	X				
Family Day Care Home		X					
Gas Station/Service Station, Convenience Stores with Gasoline Service					X		
High Intensity Uses, Waste Treatment and Disposal						X	
High Intensity Food Processing						X	
Junkyards, scrap yards, salvage yards						X	
Petroleum or flammable liquid production, refining and storage						X	
Reduction, conversion and disposal of waste goods and materials						X	
Sewage treatment and disposal						X	
Home Occupation	X						X
Industrial Park						X	
Institutions: Religious, Educational, Social, Human Care, Incarceration, Retreats	X	X	X	X	X		X
Assembly buildings				X	X		
Colleges, Universities and other institutions of higher learning			X				
Private Clubs or Lodge Halls			X				
State licensed residential facilities for 7 or more residents	X	X					X
Kennels and Dog Clubs					X		
Manufactured Housing Park		X			X		
Outdoor Sales and Storage Facility					X		

	Districts						
	R1	RM	OS	CBD	GB	I	MU
X = Allowed by Special Use Permit							
Planned Unit Development	X	X		X	X	X	X
Public Buildings, Utilities and Service Installations	X	X	X				X
Municipal facilities and public, semi-public, and private institutional buildings			X				
Restaurants, Drive-through			X				
Fast food, carryout, drive-in and drive-through restaurants			X				
Self-storage/Mini Storage					X		
Sexually Oriented Business and Adult Media Stores						X	
Temporary Indoor and Outdoor Uses, Building and Structures				X	X		
Wireless Communication Facilities		X		X	X		

How a Special Use Permit is Reviewed

- c. SUBMISSION OF APPLICATION. The application package is to be submitted to the City Manager and Zoning Enforcement Officer.
 - 1) CONTENTS. The application package consists of a Special Use Permit Application form completed in full by the applicant, accompanied by a fee as established by the City Council.
 - 2) APPLICATION DEADLINE. The complete application package must be submitted to the City Manager and Zoning Enforcement Officer at least thirty (30) days before the Planning Commission meeting at which it will be considered.
- d. CONSIDERATION OF REZONING AND SPECIAL USE PERMIT. In the event that allowance of a desired use requires both a rezoning (change in Zoning District designation for the parcel) and a Special Use Permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission, subject to the following requirements.

MAP 1. CITY OF WEST BRANCH ZONING MAP



Chapter 5 of the West Branch Zoning Code regarding parking amended as follows:

Parking space size requirements:

<u>Angle</u>	<u>Size</u>
90 degree	9' x 18'
60 degree	9' x 21'
parallel	8' x 24'
45 degree	9' x 19'10"
30 degree	9' x 16'10"

Handicap space requirements: 1 for every 25 spaces

Recreation facilities to require 3 parking spaces for every 1,000 square feet of gross floor area.

Yes – Ervans, Hasty, Lawrence, Lucas, Schaiberger, Showalter

No – None

Absent – Ehinger

Motion carried

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Mayor Pro Tem Lawrence noted that they needed to vote on the Lahti tax abatement that was discussed at the Public Hearing.

Member Schaiberger noted that the numbers of how many new employees are going to be hired is in question and there was no consistency in the numbers of new jobs proposed.

Member Showalter noted again that he believes 12 years is way too long.

Member Hasty noted that there is no mention if these are full time or part time employees.

Member Lawrence noted that the abatement request has wording that it is transferrable and doesn't think that should be included.

MOTION BY ERVANS, SECOND BY SCHAIBERGER, TO DENY THE TAX ABATEMENT REQUEST FROM LAHTI FABRICATION.

Yes – Ervans, Hasty, Lawrence, Lucas, Schaiberger, Showalter

No – None

Absent – Ehinger

Motion carried

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Manager Grace noted the denial letter sent to the State is required to be in the form of a resolution.

MOTION BY SHOWALTER, SECOND BY ERVANS TO ADOPT THE FOLLOWING RESOLUTION

Resolution Denying Application of [Lahti Fabrication](#) for Industrial Facilities Exemption Certificate for a New Facility

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on September 2, 1980, this by resolution established Industrial Development District #4; and

WHEREAS, [Lahti Fabrication](#) has filed an application for an Industrial Facilities Exemption Certificate with respect to a new facility to be installed within the Industrial Development #4; and

WHEREAS, before acting on said application, the [West Branch City Council](#) held a public hearing on [January 18, 2016](#), at the [Council Chambers of the West Branch City Hall, 121 N. Fourth St, West Branch, MI 48661](#), at [6:02 pm](#), at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, there is question due to as lack of consistency in presenting the number of jobs that will be created upon completion of the facility in the City of West Branch, and

WHEREAS, the request of a twelve year abatement is deemed to be too excessive due to the amount of the investment and the question as to the total number of new employees, and

NOW, THEREFORE, BE IT RESOLVED BY the City Council of West Branch, MI that: the request for tax abatement be denied.

Yes – Ervans, Hasty, Lawrence, Lucas, Schaiberger, Showalter

No – None

Absent – Ehinger

Motion carried

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MOTION BY LAWRENCE, SECOND BY SCHAIBERGER TO EXCUSE MAYOR EHINGER FROM MISSING THE MEETING DUE TO SICKNESS.

Yes – Ervans, Hasty, Lawrence, Lucas, Schaiberger, Showalter

No – None

Absent – Ehinger

Motion carried

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Louis Bergquist voiced her approval of helping the City of Flint in any way the City could

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Chief Walters thanked Council for their support of the Up North Prevention request and noted that while they are a newer organization to this area, they do sponsor a lot of great programs.

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Mayor Pro Tem Lawrence adjourned the meeting at 7:12 pm

Denise Lawrence, Mayor Pro Tem

John Dantzer, Clerk