

Alma, Michigan
May 12, 2009

Mayor Nyman called a regular meeting of the Alma City Commission to order at 6:00 p.m. at the Alma Municipal Building.

Present: Ayers, Comer, Dancer, Legene, Mapes, Mott, & Nyman.

Absent: None.

Mayor Nyman asked the City Commission and members of the audience to stand and recite the Pledge of Allegiance to the Flag.

Motion by Vice-Mayor Mapes seconded by Commissioner Comer to approve the minutes of the April 28, 2009 regular meeting.

Yes: Ayers, Comer, Dancer, Legene, Mapes, Mott, & Nyman.

No: None.

Motion by Commissioner Comer seconded by Commissioner Ayers to receive a communication from Lynn and Sharon Church regarding the omission of the word "church" from ordinances and placed it on file.

Yes: Ayers, Comer, Dancer, Legene, Mapes, Mott, & Nyman.

No: None.

A Public Hearing was held at 6:04 p.m. to review the Proposed FY 2010 Annual City Budget and related property tax millage rates. City Manager Moore gave a brief overview of the budget which was presented to the City Commission on April 14, 2009. The FY 2010 budget was developed with the assumption of the following property tax millage rates being levied in the upcoming year: General Fund millage of 13.13; Transportation millage of .9604; Voted Street millage of 2.5000; Voted Library millage of 1.75 and DDA millage within the district of 1.9716. Homestead millage will be \$42.6260 per \$1,000 assessed value and Non-Homestead millage will be \$60.6260 per \$1,000 assessed value. Mr. Moore stressed that the City will either have to increase revenues or decrease services; the current revenues will not continue to support the City.

Commissioner Legene asked how many employees the City had in 2000. Manager Moore advised over 100; we now have about 75. Commissioner Legene commented that the City is doing the same with less.

Mayor Nyman also commented that the City has been able to provide the level of service with fewer people, but we are not against the wall and something will need to be done to fix the problems.

There being no further questions or comments, the public hearing was closed.

Motion by Commissioner Ayers seconded by Commissioner Comer to close the public hearing at 6:17 p.m.

Yes: Ayers, Comer, Dancer, Legene, Mapes, & Mott.

No: None.

Motion by Commissioner Ayers seconded by Commissioner Legene to table the request to set a public hearing to consider a P.A. 198 Tax Exemption Certificate for Alma Products Company at 2000 Michigan Avenue until the receipt of additional information from Alma Products Company.

Yes: Ayers, Comer, Dancer, Legene, Mapes, Mott, & Nyman.

No: None.

Motion by Commissioner Comer seconded by Commissioner Ayers to set a public hearing for Tuesday, June 9, 2009 at 6:00 p.m. to consider a special assessment roll for unpaid charges for noxious weed cutting, sidewalk replacement and utility billing charges for 2008.

Yes: Ayers, Comer, Dancer, Legene, Mapes, Mott, & Nyman.

No: None.

Motion by Commissioner Ayers seconded by Vice-Mayor Mapes to approve the following items on the Consent Agenda for payment: \$1,875.30 to Fortino, Plaxton, Moskal & Costanzo, P.C. for legal services rendered for the month of April.

Yes: Ayers, Comer, Dancer, Legene, Mapes, Mott, & Nyman.

No: None.

Motion by Commissioner Ayers seconded by Commissioner Dancer to adopt Ordinance No. 714 to amend the Zoning Map of the City of Alma as it appears at Section 60-52 of the Ordinances of the City of Alma to rezone the premises commonly referred to as 517 & 525 W. Center Street from R-1a, Single Family Residential to R-2, Two Family Residential.

Yes: Ayers, Comer, Dancer, Legene, Mapes, Mott, & Nyman.

No: None.

Motion by Commissioner Ayers seconded by Commissioner Dancer to adopt Ordinance No. 715 to amend Section 60-60(J) and 60-60 (K)(3) to permit the establishment of tattoo parlors and body piercing establishments in the B-1 and B-2 Zoning District, as special uses.

Vice-Mayor Mapes stated that he was absent when this ordinance was introduced. It is his understanding that the special use permit for this type of business is reviewed on a yearly basis. Staff advised that the Planning Commission would review the special use permit yearly to insure that the business complies with the requirements of the permit. The members of the Commission discussed the requirements in the ordinance, which include window screening of 48 inches and outside building requirements. City staff looked at a number of other city's ordinances regulating tattoo parlors and drafted the Alma ordinance as such. Members asked if there had been public comment regarding the ordinance; staff advised that one letter to the City Commission and one letter to the Planning Commission were received.

Dottie Wassenaar addressed the City Commission. She has been in Alma for over 50 years and has worked on beautification for many, many years. She stated she does not feel that having a tattoo parlor in the central business district is the kind of image we should be trying to promote. Many people did not know about the pending ordinance and she asked the City Commission to delay their vote to allow time for more public comment.

Jim Watson, 153 E. Hillcrest addressed the City Commission. He is the proprietor of the proposed tattoo parlor. He has been working on this project since late last year. He understands that there are procedures that have to be followed but also felt that the issue needs to be addressed in a timely manner. He assured everyone that his business is a good one; he will be overseen by the City, County and State. He respects the oppositions opinions, but stated that we need diversity in Alma, give people the right to choose. Stopping business before it even gets started is very short sighted. Give businesses the opportunity to succeed.

Dennis Maloney, 620 Hannah addressed the City Commission. He stated that the issue is not to keep Mr. Watson waiting on a decision; the issue is to protect the local culture. The type of diversity being discussed is not the type we need to attract.

Dr. John Buiteweg, 4480 Arcada Drive is employed by Gratiot Medical Center. He stated that it is hard to attract doctors to the area. The issue is not whether or not Mr. Watson can open a business; it is that this type of business should not be on the main street. Alma's charm is its small town feel and this type of business does not fit in with what a small town should have on its main street.

Tami Maisel, 4480 Arcada Drive also owns 119 W. Downie which is in the DDA district. She stated that she usually receives information on everything that happens in the DDA district, but did not receive any notification on the proposed ordinance change. The issue is not whether we like tattoos, but the change in the zoning ordinance itself. This proposed change is going against what the zoning was originally established to protect. She does not feel that there was sufficient time for public hearings on the issue. Asked the City Commission to table the matter until more public input could be provided.

Commissioner Ayers stated that he also sits on the Planning Commission. He pointed out that there are currently three massage parlors in the downtown area. Years ago, "massage parlors" had a different connotation, what is the difference?

Commissioner Mott stated that in his business, he is very accessible to the public. He said he has had 40 – 50 people mention the tattoo parlor and probably 90% of the comments were in favor of it. He did not hear from the opposition until tonight.

Vice-Mayor Mapes stated that he was not in attendance at the meeting on April 14th when the ordinance was introduced. Since that time though, he has been contacted by many people who are opposed to the tattoo parlor. He said that as someone who has made a sizeable contribution to the face of the downtown, he was concerned with the potential change this could bring. He and others who have invested in the downtown have a right to be concerned.

There being no further comments, the following vote on the adoption of Ordinance No. 715 was taken.

Yes: Ayers, Comer, Dancer, Legene, & Nyman.

No: Mapes & Mott.

Commissioner Legene commented Mr. Watson will need to obtain a special use permit that is only valid for one year. Give the business a chance. The permit will need to be reissued yearly and any issues that come up will be addressed at that time.

Motion by Commissioner Ayers seconded by Commissioner Dancer to adopt Ordinance No. 716 to amend Section 60-94 of the Ordinances of the City of Alma regarding the regulation of body piercing establishments.

Yes: Ayers, Comer, Dancer, Legene, Mapes, Mott, & Nyman.

No: None.

Motion by Commissioner Ayers seconded by Commissioner Dancer to adopt Ordinance No. 717 to amend Section 60-94 of the Ordinances of the City of Alma regarding the regulation of tattoo establishments

Yes: Ayers, Comer, Dancer, Legene, Mapes, Mott, & Nyman.

No: None.

Motion by Commissioner Comer seconded by Vice-Mayor Mapes to adopt a resolution introducing Ordinance No. 718 to amend Section 56-35 to establish fire hydrant usage charge.

Yes: Ayers, Comer, Dancer, Legene, Mapes, Mott, & Nyman.

No: None.

Motion by Commissioner Mott seconded by Commissioner Legene a resolution authorizing an easement agreement between the City of Alma and Consumers Energy Company for overhead and underground electric lines and gas pipelines for property located on Willow Run.

Yes: Ayers, Comer, Dancer, Legene, Mapes, Mott, & Nyman.

No: None.

Motion by Commissioner Ayers seconded by Commissioner Comer to receive the following reports and place them on file: Alma Fire District monthly report; Alma Police Department monthly reports; DART & Depot monthly reports; Treasurer's monthly report; Alma Downtown Development Authority meeting minutes of 2/12/09 & 3/12/09; Alma Planning Commission meeting minutes of 4/6/09; Gratiot Community Airport Authority meeting minutes of 4/27/09; Inspection Services monthly report; April Financial Statements.

Yes: Ayers, Comer, Dancer, Legene, Mapes, Mott, & Nyman.

No: None.

Motion by Commissioner Comer seconded by Commissioner Dancer to adopt a resolution ratifying the investment of the following City funds:

<u>Investment Date</u>	<u>Maturity Date</u>	<u>Amount</u>	<u>Days</u>	<u>Interest Rate</u>	<u>Interest \$</u>	<u>Bank</u>	<u>Type</u>
4/29/2009	2/25/2009	\$100,000	302	1.44%	\$1,208.00	Flagstar	CD
4/30/2009	5/28/2009	\$200,000	28	0.24%	\$37.33	Flagstar	CDARS
4/30/2009	4/29/2010	\$300,000	364	1.68%	5,096.00	Flagstar	CDARS

Yes: Ayers, Comer, Dancer, Legene, Mapes, Mott, & Nyman.

No: None.

Motion by Commissioner Legene seconded by Commissioner Comer to approve Warrant No. 09-10 and to authorize the City Treasurer to issue checks in payment of all claims.

Yes: Ayers, Comer, Dancer, Legene, Mapes, Mott, & Nyman.

No: None.

Commissioner Legene advised that he will not be seeking reelection for City Commission. He expressed his appreciation for being able to serve for the past 7 years.

Commissioner Dancer reminded everyone of the AAA golf outing this Saturday and the Highland Festival.

Vice-Mayor Mapes expressed his disappointment that Commissioner Legene in not seeking re-election. He wished Mr. Watson well with his new business.

City Attorney Fortino left the meeting at 6:53 p.m.

Mayor Nyman said that there has been a lot of discussion regarding the change in the zoning ordinance. He stated that this has been a long process, and was considered at great length.

Ray Borowicz, 901 Riverview addressed the City Commission and audience. They have lived here since 1980 and he is addressing the City regarding the water issues in his neighborhood. He commended City staff in regards to their addressing these issues. He understands that whatever is done with his neighborhood may just move the problem further on. It is a challenge to the City and they will be looking for direction and action.

Mayor Nyman advised that putting in larger pumps will not alleviate the problem, just push it down the line.

Jayne Anderson, 894 Riverview Drive, addressed the City Commission. She stated that during the last rain event she had 5 inches of rain in basement. She has never had this problem before. She also now has water between her house and house next door. She questioned whether the fact that a new home was recently put in and that there is supposed to be a natural spring running beneath that house could be part of the problem. She would like some assistance and advice on this issue. Mr. Moore advised that he would have engineering department discuss this with her to determine what might contribute to problem.

Kammila Malarney, 245 Purdy Drive, stated she too had water issues: four inches of water in their basement during this last rain event. She also requested that a flower box be put back in front of her business, the Purple Pear Salon. She asked what the zoning requirements for shops in homes are. Mr. Moore advised that there can be some home businesses but cannot have walk in businesses. Mayor Nyman discussed the zoning ordinance and advised that it is meant to keep neighborhoods as family dwellings. Vice-Mayor Mapes also stated that many times people will talk about restrictive zoning, but that probably is not the main problem. There are probably underlying issues that prevent a business from starting up.

Jim Watson thanked the City Commission for their time and action on his rezoning request and promised that he would not disappoint them.

Motion Commissioner Comer seconded by Commissioner Ayers by to adjourn the meeting at 7:09 p.m.

Yes: Ayers, Comer, Dancer, Legene, Mapes, Mott, & Nyman.

No: None.

Melvin A. Nyman, Mayor

Barbara A. Gager, City Clerk