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# A G E N D A

## CITY COMMISSION MEETING

Monday, October 06, 2014

7:00 PM

1. Call to Order.
2. Pledge of Allegiance.
3. Roll Call.
4. Announcements, Acknowledgments and Communications and Reports.

Presentation from Turning Point Recognizing the Month of October as Domestic Violence Awareness Month.

5. Adoption of Agenda.
6. Public Participation.
7. Administrative Response to Issues or Questions Raised During Previous Meetings.
8. Approval of Minutes.
9. General Business.

9-A - Request Approval to Include Thursday, June 25, 2015, in the Summer Magic Festival Event Previously Approved by the City.

9-B - Request Approval of the 2014 Mount Clemens High School Homecoming Parade on October 10, 2014.

9-C - Confirmation of City Manager's Appointment of City Clerk.

9-D - Approve Purchases and Payment of Invoices.

10. Consent Agenda.

10-A - Second Reading and Adoption of an Amendment to Ordinance 15.070 Article 7: Residential Districts of the Zoning Ordinance.

10-B - Set the Date for the First Public Hearing of the Downtown Maintenance Program.

11. City Manager's Report.

12. Commissioners' Comments.

13. Adjournment.

The City of Mount Clemens will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon one week-notice to the City of Mount Clemens. Individuals with disabilities requiring auxiliary aids should contact the City of Mount Clemens by writing or calling the following:

City Clerk's Office  
One Crocker Boulevard  
Mount Clemens, Michigan 48043  
586.469.6818, Extension 310  
911 - TDD

## **EXPLANATION OF AGENDA – October 6, 2014**

### **Administrative Response to Issues or Questions Raised During Previous Meetings**

1. Backyard Farming Request

Some residents appeared before the Mayor & Commission and followed up on a prior request to consider a change in our ordinances to allow “backyard farming.” The legality of this concept is covered in the zoning ordinance; therefore, this matter has been referred to the Planning Commission for an evaluation.

2. Property Tax Exemptions

A resident asked for a listing of properties exempt from paying property taxes. Our Assessor has produced a listing of property tax exempt parcels which numbers 302. Examples of these properties include Macomb County facilities, schools, churches, hospitals and veterans organizations.

3. Industrial Facilities Exemption Certificate (IFT) Inquiry

A resident suggested the City should revoke an IFT that was granted previously. First, any such revocation would actually be done by the state though it can be requested by the City. Second, the Mayor & Commission previously held a meeting to discuss the referenced IFT and no action was taken coming out of that meeting. Finally, the issue of job creation was covered in an agreement between the City and the business which was separate from the actual granting of the IFT. The terms covered in the IFT and the actions by the company have been reviewed and there are no plans for revocation either here at the City or at the state.

4. Boards & Commissions

There was discussion amongst the Mayor & Commission regarding boards & commissions of the City. The City website has some basic descriptions of the various boards, committees and commissions plus information on which boards and commissions have vacancies, a link to an application and meeting dates and times. The website link is:

<http://www.cityofmountclemens.com/boards.htm>

Residents without internet access can contact the City Manager’s Office for more information by calling (586) 469-6818, option 7.

5. Code Enforcement

Another inquiry regarding a structure in the yard of a home on Gallup Street was made. The structure was taken down recently after code enforcement activity by City staff.

## CITY COMMISSION MEETING

County of Macomb  
State of Michigan

September 15, 2014  
Commission Chambers

A regular meeting of the Mount Clemens City Commission was held on Monday, September 15, 2014, at 7:00 p.m. The meeting was held in the Commission Chambers of the Municipal Building, One Crocker Boulevard, Mount Clemens, Michigan. Present at this meeting were Mayor Barb Dempsey, and Commissioners Roger Bunton, Ronald Campbell, Lois Hill, Denise Mentzer and Joseph Rheker. Mayor Pro-Tem Gary Blash was absent. Also in attendance were Steven Brown, City Manager, Michael Murray, City Attorney, and Lisa Borgacz, Deputy City Clerk.

The meeting was called to order at 7:00 p.m.

Commissioner Bunton made a motion, supported by Commissioner Mentzer, to excuse Mayor Pro-Tem Blash from the meeting. The motion passed unanimously.

### **ANNOUNCEMENTS, ACKNOWLEDGEMENTS, COMMUNICATIONS AND REPORTS WERE ADDRESSED, ITEM 4.**

### **THE ADOPTION OF THE AGENDA WAS CONSIDERED, ITEM 5.**

Commissioner Rheker made a motion, supported by Commissioner Bunton, to adopt the agenda as amended:

1. Consent Agenda Item 10-A was moved to General Business Item 9-D.

The vote on the motion was:

Ayes: Hill, Mentzer, Rheker, Bunton, Campbell

Nays: Dempsey

Absent: Blash

The motion passed.

### **PUBLIC PARTICIPATION WAS CONDUCTED, ITEM 6.**

### **ADMINISTRATIVE RESPONSE TO ISSUES OR QUESTIONS RAISED DURING PREVIOUS MEETINGS WERE RECEIVED, ITEM 7.**

### **APPROVAL OF MINUTES WAS CONSIDERED, ITEM 8.**

Commissioner Hill made a motion, supported by Commissioner Bunton, to approve the minutes of the City Commission Regular meeting of September 2, 2014, as presented. The motion passed unanimously.

### **INTRODUCTION AND FIRST READING OF AN AMENDMENT TO ORDINANCE 15.070 ARTICLE 7: RESIDENTIAL DISTRICTS OF THE ZONING ORDINANCE WAS CONSIDERED, ITEM 9-A.**

September 15, 2014

Commissioner Campbell made a motion, supported by Commissioner Mentzer, to approve the introduction and first reading of an Amendment to the Zoning Ordinance to include Section 15.077, Section 7.7; and set October 6, 2014, as the date of the second reading and adoption. The motion passed unanimously.

**ADOPTION OF A RESOLUTION SUPPORTING A CHARITABLE GAMING LICENSE FOR BELIEVE FOUNDATION WAS CONSIDERED, ITEM 9-B.**

Commissioner Bunton made a motion, supported by Commissioner Hill, to adopt the resolution in support of a Charitable Gaming License for Believe Foundation, a Michigan Non-profit Corporation. The motion passed unanimously.

**APPROVAL OF PURCHASES AND THE PAYMENT OF INVOICES WERE CONSIDERED, ITEM 9-C.**

Commissioner Hill made a motion, supported by Commissioner Bunton, to approve the purchases and payments of invoices as presented. The motion passed unanimously.

**APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS WERE CONSIDERED, ITEM 9-D.**

Commissioner Hill made a motion, supported by Commissioner Bunton, to approve the appointments as presented:

Nancy Donahue was reappointed to the Historical Commission for a 3-year term, which expires June 30, 2017.

Thelma Ullrich was reappointed to the Historical Commission for a 3-year term, which expires June 30, 2017.

Cathy Leone was reappointed to the Local Officer's Compensation Commission for a 5-year term, which expires June 30, 2019.

The vote on the motion was:

Ayes: Campbell, Dempsey, Hill, Bunton

Nays: Mentzer, Rheker

Absent: Blash

The motion passed.

**THE CONSENT AGENDA WAS CONSIDERED, ITEM 10.**

Commissioner Mentzer made a motion, supported by Commissioner Bunton, to approve the consent agenda as amended:

In Item 10-B, the request to approve a resolution honoring Charles Bellmore for his years of service to the City of Mount Clemens was approved.

September 15, 2014

In Item 10-C, the request to approve a resolution honoring David Blash for his years of service to the City of Mount Clemens was approved.

The motion passed unanimously.

**THE CITY MANAGER'S REPORT WAS GIVEN, ITEM 11.**

**COMMISSIONERS' COMMENTS WERE RECEIVED, ITEM 12.**

Commissioner Bunton made a motion, supported by Commissioner Hill, to adjourn the meeting. The motion passed unanimously.

The meeting was adjourned at 8:47 p.m.

Respectfully submitted,

---

Barb Dempsey, Mayor

---

Lisa Borgacz, Deputy City Clerk

September 15, 2014

## **EXPLANATION OF AGENDA – October 6, 2014**

### **Agenda Item No. 9-A**

#### **Request Approval to Include Thursday, June 25, 2015, in the Summer Magic Festival Event Previously Approved by the City**

Shelbyvision Presents, LLC, is requesting that the City approve Thursday, June 25, 2015, as an additional day for the Summer Magic Festival event. On July 7, 2014, the City approved the event to take place from Friday through Sunday, June 26 through June 28, 2015.

The original approval was for Macomb Place between Main Street and Southbound Gratiot and within the Roskopp Parking Lot. The additional day would allow for a carnival to take place on Main Street between Cass Avenue and Market Street.

As with similar events in the past, Administration is requesting that the City's commitment be subject to the City Manager's Office negotiating a Special Events Permit with the organizer detailing the rights and responsibilities of both parties with the City retaining the right to modify the terms and conditions contained therein.

**SUBMITTED BY:** Brian L. Tingley  
Community Development Director

**RECOMMENDED MOTION:** Approve the request from Shelbyvision Presents, LLC, to include Thursday, June 25, 2015, as an additional day for the Summer Magic Festival, subject to the City Manager's Office and Shelbyvision Presents, LLC, negotiating a Special Events Permit.

September 22, 2014

To Whom This May Concern:

This letter is a formal request for an extra day to be approved for the Summer Magic Festival that I am producing in the Downtown next summer. The current dates that I have been approved for are Friday, June 26 through Sunday, June 28<sup>th</sup> of 2015. I would like to add Thursday, June 25<sup>th</sup> to the event schedule in order to provide the city with a Hometown Night to kick off this event. The extra day will also provide ample set-up time and inspections for the vendors, carnival and music stages.

Your prompt attention and approval of this date will be greatly appreciated.

Paul Shalhoub

ShelbyVision Presents, LLC

248-880-6206

ShelbyVisionPresents [@yahoo.com](mailto:ShelbyVisionPresents@yahoo.com)

## Brian Tingley

---

**From:** Paul Shalhoub [shelbyvisionpresents@yahoo.com]  
**Sent:** Tuesday, September 16, 2014 4:23 PM  
**To:** Brian Tingley  
**Subject:** Re: June 2015 Festival

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I am proposing the carnival takes place on Main St. between Cass & Market.

Paul

On Tuesday, September 16, 2014 4:17 PM, Brian Tingley <[BTingley@cityofmountclemens.com](mailto:BTingley@cityofmountclemens.com)> wrote:

Where are you proposing that the carnival take place? The City currently prohibits carnivals from taking place within City-owned parking lots.

Brian

**Brian Tingley, Community Development Director**

City of Mount Clemens  
One Crocker Boulevard, Mt. Clemens, MI 48043

[www.cityofmountclemens.com](http://www.cityofmountclemens.com)

Main Line: 586-469-6818 x901

Fax: 586-469-6273

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Please consider the environment before printing this email.

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**From:** Paul Shalhoub [<mailto:shelbyvisionpresents@yahoo.com>]

**Sent:** Tuesday, September 16, 2014 1:18 PM

**To:** Brian Tingley

**Subject:** June 2015 Festival

I have secured a carnival for the June 2015 festival. They would like to open for business on Thursday June 25, 2015. I'd like to schedule a time to speak with the city council for approval on this matter. Please advise me of the soonest date and time I can meet with them.

Thanks and enjoy your day !!

All the best,

Paul Shalhoub

cell# 248.880.6206

[shelbyvisionpresents@yahoo.com](mailto:shelbyvisionpresents@yahoo.com)

**EXPLANATION OF AGENDA – October 6, 2014**

**Agenda Item No. 9-B**

**Request Approval of the 2014 Mount Clemens High School Homecoming Parade on October 10, 2014**

Mount Clemens Community Schools is requesting City Commission approval to hold its annual Mount Clemens High School Homecoming Parade on Friday, October 10, 2014. The parade would begin at 4:30 p.m. at the City Hall Parking Lot and proceed onto First Street to Crocker Boulevard to Fourth Street to Dickinson Street to Fessenden Street to Judge Street to Michigan Avenue and back onto Dickinson Street to make its way back to the City Hall Parking Lot.

Mount Clemens Community Schools is requesting street closure assistance from the City and the Macomb County Sheriff's Office.

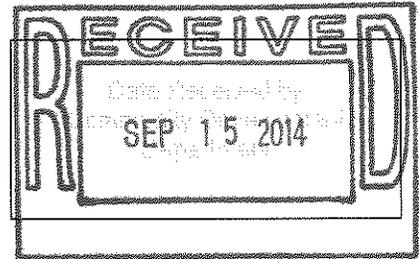
Upon City Commission approval, the Department of Public Services will assist with the approved parade route to help ensure that proper street and parking lot closures are in place. A Certificate of Liability insurance naming the City as an additional insured will be required as a condition of approval.

**SUBMITTED BY:** Brian L. Tingley  
Community Development Director

**RECOMMENDED MOTION:** Move to approve the Mount Clemens High School Homecoming Parade route beginning at 4:30 p.m. on Friday, October 10, 2014.



**CITY OF MOUNT CLEMENS**  
**APPLICATION FOR SPECIAL EVENT APPROVAL**  
 ONE CROCKER BLVD., MOUNT CLEMENS, MI 48043  
 (586) 469-6818 EXT. 901 FAX (586) 469-7695  
[www.cityofmountclemens.com](http://www.cityofmountclemens.com)



**NOTE: A COMPLETE AND DETAILED SITE PLAN/SITE MAP OF THE PROPERTY SHOWING THE EVENT AREA IS REQUIRED. PLAN MUST SHOW LOCATIONS OF SIGNS, TENTS OR ANY STRUCTURES, AMUSEMENT RIDES, FOOD SERVICES, PARKING AREA, THE LOCATION OF EXISTING BUILDINGS, ETC. REQUEST WILL NOT BE REVIEWED UNTIL THIS PLAN IS RECEIVED. IF A TENT IS TO BE ERECTED, SPECIFICATIONS ARE REQUIRED. ADDITIONAL PERMITS MAY BE REQUIRED FOR BUILDING, ELECTRICAL AND MECHANICAL, IF APPLICABLE.**

Sponsoring Organization's Legal Name: Mount Clemens School District  
 Address: 155 Cass Ave City MT Clemens State MI Zip 48043  
 Phone: Office: 461-3784 Cell: \_\_\_\_\_ Email: kennahda@mtcps.org

Sponsoring Organization's Agent's Name: \_\_\_\_\_  
 Address: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Phone: Office: \_\_\_\_\_ Cell: \_\_\_\_\_ Email: \_\_\_\_\_

Event Name: Homecoming Parade  
 Event Purpose: Homecoming Parade  
 Event Location: \_\_\_\_\_  
 Event Date: 10/10/14  
 Event Time(s): 4:30 - 6:00 pm

**GIVE A DETAILED DESCRIPTION OF THE PROPOSED SPECIAL EVENT: (use back or attach additional sheets if necessary)**  
We request to begin parade in the parking lot of the Fire/Police Department.  
Route: 1<sup>st</sup> street to Crocker to 4<sup>th</sup> st to Fessenden to Judge to Michigan back to starting point

IS THE EVENT OPEN TO THE GENERAL PUBLIC  YES  NO  
 NUMBER OF PEOPLE PROPOSED TO ATTEND OR PARTICIPATE EACH DAY: \_\_\_\_\_

WILL ELECTRIC EQUIPMENT BE USED AND/OR WILL WATER HOOK-UPS BE REQUIRED \_\_\_\_\_ YES  NO  
 IF YES, PLEASE DESCRIBE THE PROPOSED LOCATION(S): \_\_\_\_\_

WILL TENTS BE USED DURING THE EVENT? \_\_\_\_\_ YES X NO

WILL THE EVENT HAVE FOOD OR OTHER VENDORS? \_\_\_\_\_ YES X NO  
\*\*\* ALL FOOD VENDORS MUST BE APPROVED BY THE MACOMB COUNTY HEALTH DEPARTMENT.

WILL ALCOHOL BE SERVED OR SOLD AT THE EVENT? \_\_\_\_\_ YES X NO  
\*\*\*IF YES, PLEASE PROVIDE PROOF OF LIQUOR LIABILITY INSURANCE AND APPROVAL BY THE LCC

WILL ANY CITY SERVICES BE REQUIRED FOR THIS EVENT? X YES \_\_\_\_\_ NO  
IF YES, DESCRIBE IN DETAIL THE TYPE OF SERVICES REQUESTED:  
\*\*\*THE CITY MAY CHARGE THE ACUTAL COST OF PROVIDING THESE SERVICES FOR THE EVENT.

police officers to block the streets

IS ANY SIGNAGE PROPOSED? \_\_\_\_\_ YES X NO  
IF YES, NOTE LOCATIONS OF ANY SIGNS PROPOSED ON THE MAP PROVIDED WITH THIS APPLICATION.

CERTIFICATION AND SIGNATURE: I understand and agree on behalf of the sponsoring organization that

- a) A Certificate of Insurance must be provided which names the City of Mount Clemens as an additional insured party on the policy.
- b) All food vendors must be approved by the Macomb County Health Department
- c) The approval of this Special Event may include additional requirements and/or limitations, based on the City's review of this application. The event will be operated in conformance with the approved guidelines from the City Commission. Such additional requirements may include but are not limited to the procurement of permits and/or inspections in regards to health services, electric or water services, fire issues, or a certificate of use from the building department. Please note: You should contact the Mount Clemens Fire Inspector regarding specific tent requirements well in advance of your event. A certificate of Flame Resistance for the Tent needs to be provided 10 days prior to the date of event/sales.

As the duly authorized agent of the sponsoring organization, I herby apply for the approval of this Special Event, affirm the above understandings, and agree that my sponsoring organization will comply with the City's Special Event Policy, the terms of the approval as given by the City Commission, all other City requirements, ordinances and other laws which apply to this Special Event.

D Hannah  
Applicant's Signature

9/15/14  
Date

Darvante' Hannah  
Printed Name of Applicant

<b>For City Use Only:</b>
Approved _____
Approved, with Conditions _____
Denied _____
Date of City Commission Decision _____

**EXPLANATION OF AGENDA – October 6, 2014**

**Agenda Item No. 9-C**

**Confirmation of City Manager's Appointment of City Clerk**

Lynne Kennedy has announced her retirement effective October 9, 2014.

Pursuant to Mount Clemens City Charter, the City Manager's appointment of Lisa M. Borgacz to the position of City Clerk is being presented for City Commission confirmation.

The City Clerk serves as the custodian of the official documents and records of the City of Mount Clemens, coordinates and administers all aspects of elections within the City, serves as Administrator of the Mount Clemens Employees Retirement System and Secretary to the Civil Service Commission and performs other duties as assigned.

Ms. Borgacz's annual salary will be \$57,750. She will receive the same benefits that are provided to other Department Heads.

**SUBMITTED BY:** Steven M. Brown, City Manager

**RECOMMENDED MOTION:** To confirm the City Manager's appointment of Lisa M. Borgacz to the position of City Clerk effective October 10, 2014.

**EXPLANATION OF AGENDA – October 6, 2014**

**Agenda Item No. 9-D**

**APPROVE PURCHASES AND PAYMENT OF INVOICES**

VENDOR (PURCHASES)	DESCRIPTION	FUND/ DEPARTMENT/ APPROPRIATION	ACCOUNT NUMBER	AMOUNT	CURRENT BALANCE
1.R.W. Mercer 12502 Globe Livonia, MI 48150	Petro Vend Upgrade needed By the Department of Public Services	General Fund/ Information Technology/ Machinery and Equipment	101-22800-982000	\$15,718.00	\$21,394.95
2.Brooks Landscaping Services, LLC P.O. Box 661 St. Clair Shores, MI 48080	Estimated annual Requirement of Parking Lot Snow Removal	Automobile Parking System Fund/ Contractual Services (Majority)	585-54600-818000	\$3,075.00/ 2-6” push  \$6,150.00/ 7+” push	\$42,497.93
3.HP Products 8652 Haggerty Road Suite 200 Belleville, MI 48111	Estimated annual Requirement of De-Icer	Public Improvement/ Downtown/ Road Materials And Supplies (Majority)	245-44141-782000	\$8.72/50# bag	\$7,000.00
4.Stargate HVAC Services 39925 Goddard Road Romulus, MI 48174	Furnace replacements at Community Center (3)	General Fund/ Community Center/ Contractual Services	101-75100-818000	\$4,800.00	\$24,856.50

VENDOR (INVOICES)	DESCRIPTION	FUND/ DEPARTMENT/ APPROPRIATION	ACCOUNT NUMBER	AMOUNT	CURRENT BALANCE
1.Luigi Ferdinandi & Son Cement 16481 Common Road Roseville, MI 48066	Emergency repairs To failed brick Masonry wall at Water Plant.	Water – Utilities Fund/ Operation of Plant/ Contractual Services	591-53708-818000	\$6,850.00	\$47,641.22

**SUBMITTED BY:** Marilyn Dluge, Finance Director/Treasurer

**RECOMMENDED MOTION:** Approve purchases and payment of invoice as presented.

**CITY OF MOUNT CLEMENS**

Tabulation of sealed bids received and opened on Tuesday, September 16, 2014, for a Petro Vend Upgrade needed by the Department of Public Services:

BIDDER	MANUFACTURER	TOTAL COST
1.Oscar W. Larson Company 10100 Dixie Highway Clarkston, Michigan 48348	OPW	\$20,955.00
2.R.W. Mercer 12502 Globe Livonia, Michigan 48150	Petrovend	\$15,718.00

Marilyn Dluge  
Finance Director/Treasurer

**CITY OF MOUNT CLEMENS**

Tabulation of sealed bids received and opened on Tuesday, September 16, 2014, for Parking Lot Snow Removal:

BIDDER	COST/TIME 2-6" PUSH	COST/TIME 7+" PUSH
1. Brooks Landscaping Services, LLC P.O. Box 661 St. Clair Shores, MI 48080	\$3,075.00	\$6,150.00

Bid posted on MITN; 27 downloads

Bid posted on Cable.

Bid posted on City's Website.

Marilyn Dluge  
Finance Director/Treasurer

**CITY OF MOUNT CLEMENS**

Tabulation of sealed bids received and opened on Tuesday, September 23, 2014, for our estimated annual requirement of De-Icer:

BIDDER	COST/BAG	COST/PALLET
1.HP Products 8652 Haggerty Road Suite 200 Belleville, MI 48111	\$8.72	\$436.00

Bid viewed by 110 vendors on MITN.

Bid downloaded by 41 vendors on MITN.

Bid posted on City's website.

Bid posted on Cable Network.

Marilyn Dluge  
Finance Director/Treasurer

**CITY OF MOUNT CLEMENS**

Tabulation of sealed bids received and opened on Tuesday, September 23, 2014, for furnace replacements (3) at the Community Center:

BIDDER	TOTAL COST
1. Air Conditioning Engineers 5250 Auburn Road Shelby Township, Michigan 48317	\$5,525.00
2. Metro Environmental 22656 – 15 Mile Road Clinton Township, Michigan 48035	\$7,960.00
3. Stargate HVAC Services 35925 Goddard Road Romulus, Michigan 48174	\$4,800.00

Marilyn Dluge  
Finance Director/Treasurer

**EXPLANATION OF CONSENT AGENDA – October 6, 2014**

**Agenda Item No. 10-A**

**Second Reading and Adoption of an Amendment to Ordinance 15.070 Article 7:  
Residential Districts of the Zoning Ordinance**

At its meeting of September 15, 2014, the City Commission approved the introduction and first reading of a Zoning Ordinance text amendment that would provide for a procedure to create residential rental restriction overlay districts in defined neighborhoods in R1-A and R1-B zoned districts to emphasize owner-occupied dwellings and prevent further proliferation of new rental units in resident-identified neighborhoods as part of the City's housing initiatives.

This ordinance has been modeled after the Cities of East Lansing and Port Huron and gives property owners the ability to petition the City to create overlay zones that would prohibit the future conversion of single-family owner-occupied dwellings into rental properties.

A public hearing was held by the Planning Commission on September 3, 2014. At that meeting, the Planning Commission passed a motion recommending that the City Commission approve the proposed amendment.

**SUBMITTED BY:** Brian L. Tingley,  
Community Development Director

**RECOMMENDED MOTION:** Approve the second reading and adoption of an Amendment to the Zoning Ordinance to include Section 15.077, Section 7.7 – Residential Rental Restriction Overlay Districts as presented; and approve the Ordinance Summary for publication.

**CITY OF MOUNT CLEMENS  
ZONING ORDINANCE TEXT AMENDMENT  
SECTION 15.070 – ARTICLE 7: RESIDENTIAL DISTRICTS  
SECTION 15.077, SEC. 7.7 – RESIDENTIAL RENTAL  
RESTRICTION OVERLAY DISTRICTS**

**SUMMARY FOR PUBLICATION**

The City of Mount Clemens has created and adopted a Zoning Ordinance text amendment that would provide for a procedure to create residential rental restriction overlay districts in defined neighborhoods in R1-A and R1-B zoned districts to emphasize owner-occupied dwellings and prevent further proliferation of new rental units in resident-identified neighborhoods as part of the City's housing initiatives.

City of Mount Clemens  
Zoning Ordinance Amendment

Amendment to Section 15.070 – Article 7: Residential Districts

Section 15, Zoning Ordinance, Section 15.070 - Article 7: Residential Districts, of the Mount Clemens Code of Ordinances is hereby amended by adding Section 15.077, Section 7.7, Residential Rental Restriction Overlay Districts, for the purpose of creating a procedure to create residential rental restriction overlay districts in defined neighborhoods in R1-A and R1-B zoned districts to emphasize owner-occupied dwellings and prevent further proliferation of new rental units in resident-identified neighborhoods as part of the City's housing initiatives.

Section 15.000 – Zoning Ordinance  
Section 15.070 – Article 7: Residential Districts

Section 15.077, Sec. 7.7 – Residential Rental Restriction Overlay Districts

15.077 Sec. 7.7.

Residential Rental Restriction Overlay Districts.

Residential rental restriction overlay districts "RO-1" are hereby established.

A. Purpose and Objectives

1. The residential rental restriction overlay district "RO-1" is a zoning classification which permits owners of property within R1-A and R1-B residential zoning districts to petition the City Commission to establish an overlay district, and district use regulations in their residential neighborhood, which would prohibit or restrict the rental uses of single-family dwellings within the neighborhood. These districts establish restrictions which operate to preserve the attractiveness, desirability and privacy of residential neighborhoods by precluding all or certain types of rental properties and thereby preclude the deleterious effects rental properties can have on a neighborhood with regard to property deterioration, increased density, congestion, crime, noise and traffic levels and reduction of property values. The goal of the overlay district is to allow owners of property within residential neighborhoods to control the types of rental properties, if any, that are permitted in one-family dwellings within their neighborhood.
2. It is also the purpose of the districts to achieve the following objectives:
  - a. To protect the privacy of residents and to minimize noise, congestion and nuisance impacts by regulating the types of rental properties;
  - b. To maintain an attractive community appearance and to provide a desirable living environment for residents by preserving the owner-occupied character of the neighborhood; and
  - c. To prevent excessive traffic and parking problems in the neighborhoods.

## B. Permitted Uses

Uses permitted in the Residential Rental Restriction Overlay District RO-1 are as follows:

1. In a Residential Rental Restriction Overlay District RO-1 that overlaps a portion of a district zoned as an R1-A or R1-B district, permitted uses are all uses permitted in the underlying zoning district except the use or occupancy of a single-family dwelling unit as a rental unit within the meaning of Section 16.202, Sec. 2 et seq. of the city code is prohibited and a single-family dwelling converted into a two-family dwelling unit after the introduction of an ordinance to create said overlay district, may not be used or occupied as a rental unit within the meaning of Section 16.202, Sec. 2 et seq.
2. Notwithstanding the foregoing, the overlay restriction does not impact properties that already have a valid rental certificate of compliance, or have begun the rental certificate of compliance process, as such will be considered a pre-existing non-conforming use and will be "grandfathered". However, if a property owner allows a rental certificate of compliance to remain expired more than 12 months, then the property would lose any prior legal, non-conforming grandfathering and the property will be subject to the restrictions set forth in 15.077 Sec. 7.7(B)(1) and/or 15.077 Sec. 7.7(B)(2).

## C. Procedures to Establish a Residential Rental Restriction Overlay District RO-1.

The following procedures must be complied with in order to establish a Residential Rental Restriction Overlay District:

1. A petition requesting an overlay district must be submitted to the City Clerk on forms provided by the City Clerk. The petition requirements are as follows:
  - a. The proposed boundaries of the overlay district must be entirely within an R1-A or R1-B zoning district and the parcels within the proposed district must be contiguous.
  - b. There must be at least 40 separate lots or parcels within the proposed district as described in the petition or the proposed district must constitute a discrete neighborhood geographic area.
  - c. The proposed boundaries may not overlap a boundary of existing overlay districts or the boundary of an overlay district that is already the subject of an introduced ordinance pursuant to this section.
  - d. The proposed district boundaries must be approved by the Community Development Department in conjunction with the petitioner prior to the petition being circulated for signatures. Once approved by the Community Development Department and the petitioner, the proposed district boundaries may not be changed.
  - e. The petition must identify the specific overlay district that is sought by specifying the proposed boundary of the overlay district. The proposed boundaries of the overlay district must be described in the petition and the boundaries must, if practicable, consist of streets, alleys, platted subdivision boundaries or existing zoning district lines which totally enclose the proposed district.

- f. The petition must accurately advise the signer of the rental restriction that would be imposed on the property if the overlay district is established.
  - g. Each petition must be circulated by a person who owns property within the proposed district and be signed by the circulator.
  - h. The petition must contain the signature and address of two-thirds of the parcel owners within the proposed boundary of the overlay district, exclusive of public property. Jointly owned parcels will be considered owned by a single person for purpose of petitioning and any co-owner may sign a petition for such parcel. Only one owner of each parcel will count towards the two-thirds requirement. If a person owns more than one parcel of property within the proposed district, they may sign the petition for each parcel they own.
  - i. Each person signing the petition must also enter on the petition, adjacent to their signature, the date that the person signed the petition and the address of the parcel they own.
  - j. When submitted, no signature dated earlier than six months prior to the time the petition is filed with the City Clerk shall be counted in determining the validity of the petition.
2. Upon presentation to the City Clerk for review, the Clerk shall verify the signatures and property ownership and dates on the petitions. If insufficient signatures are presented, the Clerk shall return the petitions to the person filing the petitions and identify the valid and invalid signatures. If sufficient valid signatures are presented, the Clerk shall refer the petitions to the Community Development Department which shall then, within 30 days, determine whether the petitions are in conformity with the remaining conditions of this section.
- a. If the petition is determined to be in conformity with the requirements of this section, the Community Development Director shall draft an appropriate ordinance in accordance with the petition procedures set forth in 15.0157 Sec. 15.7. All procedures set forth in 15.0157 Sec. 15.7 for zoning changes by petition shall thereafter be followed.
  - b. If the petition is not in conformity with the requirements of this section, the Community Development Director shall reject the petition and return it to the Clerk with a written explanation as to why the petition does not meet the requirements of this section. The Clerk shall then forward the petitions, and the explanation, to the person who filed the petitions.
  - c. If the petition is rejected for failure to comply with the boundary requirements, it may be resubmitted with the proper boundary lines if it is accompanied by certification that a copy of the petition and written notice was mailed to each property affected by the change, notifying them that their property was either added to or deleted from the petition and if by the correction of the boundary line the petition still meets all other requirements of the code.
  - d. If the petition is rejected for an insufficient number of valid signatures, it may be resubmitted with the additional signatures necessary to have it comply as long as the other signatures remain valid.

3. No earlier than one year after the adoption of an ordinance establishing an overlay district, a petition for a change or removal of the overlay district may be submitted by following the procedures for establishing an initial overlay district.

D. Effect of Overlay District Ordinance.

1. Upon introduction of an ordinance to create an overlay district and at all times while the ordinance is pending final decision there shall be a moratorium on the issuance of initial rental unit certifications to the extent that no initial rental housing certification shall be issued within the proposed overlay district to the owner of a single-family dwelling unit that would be precluded if the overlay district was adopted, or a single-family dwelling converted into a two-family dwelling unit after the introduction of an ordinance to create said overlay district, regardless of whether the license was applied for prior to or subsequent to the ordinance's introduction.
2. Upon passage of an ordinance by the City Commission establishing an overlay district, no initial rental unit certification shall be issued to an owner of property in the overlay district inconsistent with the restrictions of the overlay district and it shall be unlawful to use or allow any property to be used except in conformity with the requirements of the underlying zoning district and overlay district. Any property in the overlay district that has an existing rental housing certification, or has had a rental certification within one year of adoption of the overlay district, shall be allowed to continue its use and occupancy in accordance with the law existing prior to the date of the adoption of the overlay district. No existing rental housing use or occupancy in an overlay district shall be considered to be a nonconforming use as the result of adoption of an overlay district unless the rental license expires for more than one year. If an owner surrenders an existing certification or allows, either intentionally or unintentionally, a license to remain expired for more than one year, any subsequent use of the property shall be subject to the restrictions imposed by the overlay district.
3. If an ordinance introduced pursuant to this section is denied, a subsequent ordinance for an overlay district that includes the same parcels may not be introduced for one year following introduction of the previous ordinance.
4. Any ordinance which is not adopted within six months of its introduction shall be deemed denied.

E. Rental Certification Hardship Exception.

In zoning districts RO-1, Residential Rental Restriction Overlay Districts, where new residential rental certifications are prohibited, no new rental certifications shall be issued except a rental certification obtained through the following procedure established for a hardship exception:

1. Any property owner desiring a "hardship exception" must submit their request for a hardship exception in writing to the Zoning Board of Appeals, which shall make a determination of whether a hardship exists as defined by this article.

2. A "hardship" for purposes of this article shall be defined as the inability of the owner to purchase or pay for one or more of the following without the ability to obtain rents on the subject property:
  - a. Medical care or a medical device for the owner or the owner's dependents;
  - b. Debts of the owner resulting from a mortgage, land contract or other loan used to purchase the subject property where there is no other available source to pay such debts; or
  - c. Debts of the owner due to child support, alimony, a tax lien, funeral expenses, or a judgment.
3. A "hardship" shall also include the following circumstances: Where a homeowner owns property that is occupied by the owner and a change in the owner's personal circumstances require a rental to preserve the financial stability of the owner. For example, this section would apply to a person who is required to temporarily relocate their residence for a period of time and needs to rent their home in their absence.
4. The hardship exception allows the issuance of a rental certification for a period of 12 months or less and only one appeal per property is permitted per year.
5. Any owner who has already been renting property without having obtained the required rental certification is disqualified from seeking a hardship exception.
6. It shall be the burden of the person seeking the hardship exception to provide proof of the hardship, including submission of financial documentation necessary for the Zoning Board of Appeals to make a reasoned decision on the request.
7. Any person requesting a hardship exception shall have a right to a hearing before the Zoning Board of Appeals within 30 days of the initiation of the request, and the Zoning Board of Appeals shall issue a final and binding written decision within 14 days of the hearing.

This ordinance shall take effect on its publication as required by law.

Introduction and First Reading: September 15, 2014

Second Reading and Adoption: October 6, 2014

Effective Date: October 16, 2014

City of Mount Clemens,  
a Michigan Municipal Corporation,

By: \_\_\_\_\_  
Barb Dempsey, Mayor

By: \_\_\_\_\_  
Lynne Kennedy, City Clerk

**EXPLANATION OF CONSENT AGENDA - October 6, 2014**

**Agenda Item No. 10-B**

**Set the Date for the First Public Hearing of the Downtown Maintenance Program**

This agenda item is to set the date of October 20, 2014, as the date for the First Public Hearing of the Downtown Maintenance Program.

**SUBMITTED BY:** Nancy A. Strehl, City Assessor

**RECOMMENDED MOTION:** To approve October 20, 2014, as the date for the First Public Hearing of the Downtown Maintenance Program.

## EXPLANATION OF AGENDA – October 6, 2014

**TO:** The Honorable Mayor Barb Dempsey and  
All City Commissioners

**FROM:** Steven M. Brown, City Manager

**DATE:** October 3, 2014

**RE:** Report from the City Manager's Office

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1. Redevelopment Ready Communities (RRC): City Administration is focusing on being chosen for this certification process in the 2015 cycle. The program is administered by the Michigan Economic Development Corporation (MEDC). Brian Tingley is attending training on the RRC processes and requirements in order to maximize our chance for selection. He has already indicated his capital needs priority list may need updates as a result of the important information he is obtaining through this training. Please see the attached description of the program from the MEDC website.
2. City-County Shared Services Initiatives: We have had meetings on various initiatives involving the sharing of services with Macomb County. Most recently, we met to review a new website under development by the County which could become our new website. Another meeting is scheduled for next week to revisit and restart our discussions in other areas as well. I will update you as developments warrant, i.e. as specific areas of collaboration are developed.
3. Paving Projects: There are several projects taking place currently. Some basic information is as follows:
  - The CDBG road repair project has kicked off. Under this project, we are milling and asphalt capping sections of the following roads:
    - Ø Beyne
    - Ø Scott
    - Ø Riverside
    - Ø Fourth
    - Ø EuclidThe majority of this project is complete with general cleanup and review next.
  - Installation of ADA sidewalk ramps has begun on Lincoln at various intersections including:
    - Ø Washington
    - Ø Madison
    - Ø Grove Park
    - Ø Eldredge

- Patching of road sections impacted by underground work (main breaks, etc.) is also ongoing with this year's work nearly complete.
- The bike path extension project is ongoing. Macomb County is handling this project with no costs to be borne by the City.

## MICHIGAN REDEVELOPMENT READY COMMUNITIES PROGRAM

The Redevelopment Ready Communities® (RRC) Program is a state-wide certification program that supports communities to become development ready and competitive in today's economy. It encourages communities to adopt innovative redevelopment strategies and efficient processes which build confidence among businesses and developers. Through the RRC program, local municipalities receive assistance in establishing a solid foundation for development to occur in their communities – making them more attractive for investments that create places where people want to live, work and play.

Once engaged in the program, communities commit to improving their redevelopment readiness by undergoing a rigorous assessment, and then work to achieve a set of criteria laid out in the **RRC Best Practices**. Each best practice addresses key elements of community and economic development, setting the standard for evaluation and the requirements to attain certification. The program measures and then certifies communities that actively tap the vision of local residents and business owners to shape a plan for their future while also having the fundamental practices in place to be able to achieve that vision. The six RRC best practices include:

- Community Plans and Public Outreach
- Zoning Regulations
- Development Review Process
- Recruitment and Education
- Redevelopment Ready Sites®
- Community Prosperity

Through the RRC best practices, communities build deliberate, fair and consistent development processes from the inside out. RRC provides the framework and benchmarks for communities to strategically and tactically ask “What can we do differently?” By shifting the way municipalities approach development, they're reinventing the way they do business – making them more attractive for investments that create places where talent wants to live, work and visit.

The RRC program also has an advisory council consisting of public and private sector experts to assist in guiding the development of the best practices, provide feedback and recommendations on community assessments, and consider new opportunities to enhance the program. In addition to Michigan Economic Development Corporation (MEDC) assistance, communities receive comments from multiple perspectives from experts working in the field, tapping into a broader pool of talent.

RRC certification formally recognizes communities for being proactive and business friendly. Certified communities clearly signal they have effective development practices such as well-defined development procedures, a community-supported vision, an open and predictable review process and compelling sites for developers to locate their latest projects. Through the program, MEDC provides evaluation support, expertise and consultation, training opportunities, and assist certified communities market their top redevelopment sites. These packaged sites are primed for new investment because they are located within a community that has effective policies, efficient processes and broad community support.

For more information email [RRC@michigan.org](mailto:RRC@michigan.org) or contact the MEDC at 517.373.9808.