

CITY OF WARREN
PLANNING COMMISSION
PUBLIC HEARING

Regular Meeting held on January 25th, 2016, at 7:00 p.m.,

A Regular Meeting of the Warren Planning Commission was called for Monday, January 25th, 2016, at 7:00 p.m. in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan 48092.

Commissioners present:

Jocelyn Howard, Chair
Edna Karpinski
John Kupiec, Vice Chair
Jason McClanahan, Secretary
Charles J. Pryor
Syed Rob
Claudette Robinson
Warren Smith, Assistant Secretary
Nathan Vinson

Also present:

Ronald Wuerth - Planning Director
Judy Hanna – Senior Administrative Secretary
Michelle Katopodes – Planner I
Nicole Ciurla – Planner Aide
Caitlin Murphy - Assistant City Attorney
Christine Laabs - Communications Department

1. CALL TO ORDER
Chair Howard called the meeting to order at 7:04 p.m.
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
All members present
4. APPROVAL OF THE AGENDA

MOTION:

A motion was made by Commissioner Vinson to approve, supported by Assistant Secretary Smith. A voice vote was taken and the motion carried unanimously.

5. APPROVAL OF THE MINUTES – January 11th, 2016

MOTION:

A motion was made by Secretary McClanahan to approve, supported by Commissioner Vinson. A voice vote was taken and the motion carried unanimously.

6. PUBLIC HEARING ITEMS:

- A. REQUEST TO REZONE PROPERTY: Located on the northeast corner of Van Dyke and Vermont Avenues; approximately 351 ft. north of Eleven Mile Road; 27248 Van Dyke; Section 15; from the present zoning classifications C-1, Local Business District, R-1-P, One Family Residential and Parking District, and P, Parking District to C-1, Local Business District and P, Parking District; VD Warren Investors LLC (Kevin Baker)

PETITIONERS PORTION:

Mr. Kevin Baker – Good evening Kevin Baker with VD Warren Investors LLC and my Attorney Patrick Howe.

Mr. Patrick Howe – Good evening Madame Chair, Patrick Howe.

Mr. Kevin Baker – Tonight we are presenting our petition to rezone 27248 Van Dyke Avenue, which is currently occupied by a closed Huntington Bank Branch. Our proposed redevelopment of this site includes a new Circle K gas station facility as set forth in our concept plan for our submittal. We are requesting to rezone approximately 80 feet of R-1-P to C-1 and leave the rest of the existing zoning in place 80 feet of depth, the frontage is approximately 257.

Mr. Patrick Howe – This is the first step and redevelopment for Circle K full service gas station on Van Dyke. We have a vacant property currently and we believe that the redevelopment which would include tearing down the existing structures and building a completely Circle K gas station with many full service amenities would really improve the Van Dyke corridor.

The concept plan shows new construction of a commercial structure that's in line with the commercial structures that abut Van Dyke Avenue. The existing buffer would also be a landscape buffer and an existing wall would remain in place, an existing parking area that exist right now would also remain in place. So we are not really infringing upon the buffer to the east where the residential area exists and in my opinion we are really just updating the current zoning which should have been done long ago and that we have a

commercial structure that currently sits on residentially zoned property. So on one hand we are sort of updating what currently exist there on the other hand we're kicking off a great new redevelopment along Van Dyke. With that I can turn it over to Mr. Carter to explain any other aspects of the Circle K station and any other features of the site.

Chair Howard – Mr. Carter can speak, we may call you back when the Commissioners have their open comments.

Mr. Otis Carter – Thank you for letting me speak. As Kevin stated we are proposing to do a new development with the Circle K fuel station. It will be one of our new designs one that we haven't done until this year. It will be about a 5000 square foot facility, very up to date very modern looking. It will be a company fuel station so it won't be issues of changes of ownership and things like that of not taking care of the property. It will be maintained by the company so you won't have the issues that we sometimes see in the fuel facilities. If you have any questions feel free to ask please.

Secretary McClanahan reads the following correspondence:

TAXES: No Delinquent Taxes.

Mr. Ron Wuerth reads the recommendations of the Staff:

MOTION:

A motion was made by Secretary McClanahan to approve, supported by Commissioner Vinson.

COMMISSIONERS PORTION:

Vice Chair Kupiec – I'm not familiar with your name are you a new guy in town?

Mr. Kevin Baker – No our firm is Landmark Commercial Real Estate Services, you've probably seen our signs around town. I'm the representative for the group we've been in business since 1988.

Vice Chair Kupiec – Where is Circle K based at?

Mr. Otis Carter – The main office is in Arizona but the office that I actually come out of is in Akron Ohio and there are offices throughout the country.

Vice Chair Kupiec – And do you use local refineries to provide your fuel?

Mr. Otis Carter – We have our own fuel but sometimes we will use existing contracts if they are there already.

Vice Chair Kupiec – Do you have your own fuel in the area and do you have any other stations in the area?

Mr. Otis Carter – Yes we do use our own fuel and we have a few stations in Ypsilanti, one in East Pointe, some in Grand Rapids but those are the smaller older facilities that we have. They were acquired through acquisition so that's not the new facility that we will be bringing. The plan for those older ones are to rebuild those and turn those into new facilities as well, we are trying to change the image of the whole brand at this point and time.

Vice Kupiec – And your intent is primarily for passenger vehicles and small trucks not big trucks?

Mr. Otis Carter – That's correct.

Commissioner Rob – When I think about Circle K I think about west coast I've seen several there are you opening more in Michigan?

Mr. Otis Carter – Yes that is the intent, to start spreading out a little more in Michigan. Right now we only have probably like a said nine or ten in Michigan so the plan is to grow definitely in Michigan.

Commissioner Rob – Do you have more opening in the City of Warren?

Mr. Otis Carter – Warren will be the first one.

Commissioner Rob – I'm really excited to see that welcome to the City of Warren.

Assistant Secretary Smith – Welcome to the City of Warren I was wondering what they were going to do with that bank facility there because that was my bank before it moved. I was looking at the rest of the area also it does have another couple gas stations across the street but they have a lot of congestion where I think your facility will cut down on a lot of the congestion coming in because of the way the driveways are laid out for your concept plan. So welcome and thank you.

Chair Howard – Again I want to thank you for dealing with that particular vacant property. In addition it's very refreshing to know

that this is going to be a company owned business verses, then, having a franchise business with multiple owners. I believe you also have a facility in Dexter, Michigan?

Mr. Kevin Baker – I believe there is one in Dexter.

Chair Howard – The time that I have been there it has been very well maintained so hopefully we'll have the same image here in the City of Warren. Thank you for concept plan it's very thorough and also as our Vice Secretary said your circle plan as far as congestion and traffic flow is much more amenable then the other stations that are in the area. With that being said we have a recommendation for rezoning and that's going to be rezoned from R-1-P to C-1 local business district.

ROLL CALL:

The motion carried as follows:

Secretary McClanahan.....	Yes
Commissioner Pryor.....	Yes
Commissioner Rob.....	Yes
Commissioner Robinson.....	Yes
Assistant Secretary Smith.....	Yes
Commissioner Vinson.....	Yes
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes
Vice Chair Kupiec.....	Yes

- B. SITE PLAN FOR OPEN STORAGE OF AUTO PARTS YARD AND EXISTING USED CAR FACILITY: Located on the east side of Groesbeck Highway approximately 409.25 ft. north of Frazho Road; 26130 Groesbeck Highway; Section 24; Mid City Truck Parts (Robert J. Tobin).

Chair Howard – We did receive correspondence from the petitioner asking for this item to be tabled until March 7th, 2016.

MOTION:

A motion was made by Commission Vinson to table to March 7th, 2016, supported by Commissioner Rob.

COMMISSIONERS PORTION:

Vice Chair Kupiec – In personally looking over this site it brings back memories of site that came before us five or six years ago and I don't remember anything to do with a used car lot being approved there and originally I thought it was a towing site with storage for 20

vehicles only. Right now it's a full scale blown out junkyard and it looks terrible. I didn't see it in the findings any place four or five years ago where it was approved for towing.

Mr. Ron Wuerth – There was the site to the north, immediately to the north. They asked for approval to use the house as a commercial building and then it was outdoor storage of vehicles in the rear.

Vice Chair Kupiec – So this is not the same location?

Mr. Ron Wuerth – It's not the same location they have the same property line.

Vice Chair Kupiec – How far north roughly is the other location?

Mr. Ron Wuerth – They have the same property line.

Vice Chair Kupiec – So it is the house right next door.

Mr. Ron Wuerth – There was a time when they were used together and then they were split.

Vice Chair Kupiec – So that's the house just north of it?

Mr. Ron Wuerth – Yes.

Chair Howard – I do remember the same situation we did have some conversation about that thank you for bringing that to our attention and we can definitely revisit that when the petitioner comes back. That was a motion by Commissioner Vinson, supported by Commissioner Rob to table until March 7th, 2016.

ROLL CALL:

The motion carried as follows:

Commissioner Vinson.....	Yes
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes
Vice Chair Kupiec.....	Yes
Secretary McClanahan.....	Yes
Commissioner Pryor.....	Yes
Commissioner Rob.....	Yes
Commissioner Robinson.....	Yes
Assistant Secretary Smith.....	Yes

7. CORRESPONDENCE

- A. SITE PLAN APPROVAL FOR MONOPOLE TOWER AND ANTENNAS: Located 361 ft. west of Ryan Road; approximately 727 ft. south of Eleven Mile Road; 26601 Ryan; Section 19; New Par dba Verizon (Melissa Brofford). The Planning Commission denied on July 20th, 2015. The attached information is from Circuit Court between Verizon Wireless and the City of Warren.

Chair Howard – Our package included the information regarding the Circuit Court and the City of Warren so we need a motion to receive and file.

MOTION:

A motion was made by Assistant Secretary Smith to receive and file, supported Commissioner Pryor.

ROLL CALL:

The motion carried as follows:

Assistant Secretary Smith.....	Yes
Commissioner Vinson.....	Yes
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes
Vice Chair Kupiec.....	Yes
Secretary McClanahan.....	Yes
Commissioner Pryor.....	Yes
Commissioner Rob.....	Yes
Commissioner Robinson.....	Yes

Assistant Secretary Smith – Madame Chair on the last item, weren't we supposed to go through that because we received and filed the court information.

Chair Howard – Yes sir we did receive that so that was just for us as a correspondence to receive and file, if we want to discuss it I guess we can also have that discussion during the Planning Director's Report.

Assistant Secretary Smith – I noticed we got a finding on this so I was wondering if it was supposed to be covered at that point or not?

Ms. Caitlin Murphy – You can certainly receive and file it you don't have to have a public hearing, it is just an acknowledgment of the receipt of the consent judgment. I believe this is still a proposed consent judgement but the City Council has approved it at this point

and I think they were turning it into the Federal Court today that is my understanding. But we could discuss it with Ron during Director's Report.

Assistant Secretary Smith – Alright thank you.

8. BOND RELEASE

None at this time.

9. OLD BUSINESS

- A. MINOR AMENDMENT TO SPECIAL LAND USE AND SITE PLAN APPROVAL FOR NEW CADILLAC DEALERSHIP: Located on the east side of Van Dyke Avenue; approximately 222 ft. north of Civic Center Blvd; 29900 Van Dyke; Section 10; Gregory Jackson. The minor amendment is for a change in the building's façade and alternate fencing.

PETITIONERS PORTION:

Mr. Tony Dellicolli – I'm Tony Dellicolli I'm the architect for this project from City Scape Architect's and this is Anika Jackson, she's from Jackson's Holdings she the Vice President. As you may know we are here to ask for a minor approval, a minor amendment to the site plan approval. It's really two items, it's to get approval for the redesign of the front façade and also to ask for a minor change on the design on the wrought iron fencing. I have some packets here I prepared I will hand one to each of you.

What we are really excited about is the fact that we've been given an opportunity by General Motors and Cadillac to become the first Cadillac Dealership Globally to implement the new Corporate Image Design, I think it has a lot to do with the fact to our close proximity to the Tech Center. They realized that we were moving along at a pace of building this dealership but it was under the previous program and I think someone said we need to update this facility. What we were given was a new criteria to meet by General Motor's and more specifically Cadillac Division to bring this design into the new program. We are pretty far along on the construction and we actually threw the gears into neutral on the outside temporarily waiting to get in front of this Commission tonight and hopefully get granted approval.

What we've done is visqueened the building off now and we are focusing our attention on building the interior awaiting this approval. So basically what we've done is we've gone from what was a stone veneer skin to a metal paneled skin and these are the materials I'll

pass them out to each of you. Basically what we are doing is we are re-skinning the building with a metal panel it's a composite metal panel system which means it's laminated it's a very flat surface it's almost like a piece of glass. The metal panel is actually fused to a piece of plexiglass backing. There's no grout, or mortar, or seal and joints, or gaskets, it's what's called a rain screen system it allows the water, actually the moisture, to penetrate through the skin and the water is drained through a channel system to allow the water to escape. This is a very clean, very sophisticated. It has a 20 year warrant. They've researched this extensively, General Motor's and their corporate architect, because they are planning to implement this globally so it's been much studied.

The other item on our list there if you're looking through the packet this is the proposed redesigned for the exterior which is the image you see here in front of you. If you page down to the second image that was the previously approved design that we are moving away from. The next image is the site plan. If you go to the site plan that we included in the packet you can see where we've bubbled an area there on the front façade that's the part that's being revised. We are not changing anything on the building footprint, we are not changing a single thing on the site plan, it's basically a new façade on the south side of the building and this new skin, as I've described that you're looking at now on the west side of the building.

The only other request that we are making is to change from a wrought iron style fence to what is called a welded wire fence. If you look at the last page in your packet that's what was originally approved as part of the site plan approval a wrought iron fence. Which is really just an aluminum fence but it has a powdered coating on it. What we are asking to do is just get an approval to convert over to this welded wire fence which has the same finish on it it's a powdered coated finish. It's a finish that's going to last over the years it's not going to deteriorate.

Ms. Anika Jackson – Warren will be home to the all new Cadillac Design. This is the first store in the World that will look like this or some variation of this, because they are still trying to ultimately decide but this is our presentation to Cadillac saying this is what we'd like it to look like, so this is exciting for Warren.

Secretary McClanahan reads the following correspondence:

MDOT: Approved.

ENGINEERING: Approved.

ZONING: Approved.

Mary Clark CER-6819
January 25th, 2016

TAXES: No Delinquent Taxes.

FIRE: Approved.

Mr. Ron Wuerth reads the recommendations of the Staff:

MOTION:

A motion was made by Assistant Secretary Smith to recognize this as a minor amendment, supported by Vice Chair Kupiec.

ROLL CALL:

The motion carried as follows:

Assistant Secretary Smith.....	Yes
Commissioner Vinson.....	Yes
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes
Vice Chair Kupiec.....	Yes
Secretary McClanahan.....	Yes
Commissioner Pryor.....	Yes
Commissioner Rob.....	Yes
Commissioner Robinson.....	Yes

MOTION:

A motion was made by Secretary McClanahan to approve, supported by Commissioner Rob.

COMMISSIONERS PORTION:

Commissioner Rob – Ms. Jackson when are we going to see the opening it’s been a long time since we approved it so what is the plan?

Ms. Anika Jackson – The plan hopefully is the beginning of May, possibly the end of April. I don’t know if it has been 100% approved but Cadillac is still trying to decide what the look is going to be and we are having to urge them to complete the design a little bit. So there’s been a tiny delay so we are looking at April or May.

Assistant Secretary Smith – I noticed a lot of the new dealerships when they are redoing the façade they are going to a lot more glass and opening them up and I see that Cadillac is doing the same thing, I think it’s nice idea. I was a little concerned about the fence because I had never seen a fence like that before but I was looking at the design of it and it’s different. It’s not like the wrought iron where you are looking through poles you can actually see more through that type of fence. I happened to be driving my father in law

around Belle today and they had the same fence around the Nature Center.

Ms. Anika Jackson – That’s very observant do you moonlight as an architect, yes all the dealerships are doing that, that is the new look.

Chair Howard – We are very excited. In terms of the façade I was looking at the new concept of the GM Building that’s coming in 2017 with the new LED Lights so when I saw the concept here by far you guys are going to be ahead of the game because it’s similar with what they are going to do with the National Head Quarters Downtown. I love the clean look, in addition thank you for explaining how it’s not going to have that grungy look because the water is going to filter off so it will still have a very prestige look there. I know there was a request earlier about the Starbucks inside the dealership and one of the members of this Commission who will remain nameless mentioned the coffee run.

Ms. Anika Jackson – Refreshments will be served.

Chair Howard – I know this is not part of your plan but I know we discussed before about the number of vehicles in the front that would be the newer vehicles we are still keeping that on track with the new vehicles?

Mr. Tony Dellicolli – Absolutely none of that’s changed.

Chair Howard – I’m very excited I think it’s going to do wonders for that area and I welcome everything that you are doing and really investing in the property.

ROLL CALL:

The motion carried as follows:

Secretary McClanahan.....	Yes
Commissioner Pryor.....	Yes
Commissioner Rob.....	Yes
Commissioner Robinson.....	Yes
Assistant Secretary Smith.....	Yes
Commissioner Vinson.....	Yes
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes
Vice Chair Kupiec.....	Yes

10. NEW BUSINESS

None at this time.

11. CITIZEN PARTICIPATION

None at this time.

12. PLANNING DIRECTOR'S REPORT

I had the usual meetings that I normally with a lot of people what's probably noteworthy is a meeting I attended with the DDA had conversation about Majestic Plaza and its sale. The city owns Majestic Plaza on Van Dyke at Martin so they've been trying to sell that. They are in negotiations so we'll see how that works out. They also had decisions with the Boji Group who had made a proposal for a hotel in the City Center area so there's a feasibility study that just came out so we'll take a look at that and see what that will dictate.

Finally Larry Goss who is a representative of Burton Katzman indicated to the group some new residential type buildings that would go to the south of City Hall and around the backside to the east of City Hall. It's going to be time consuming, hopefully as I've said before they'll come here for site plan approval and you'll get a good look at all this should it all work out.

Next what I'm going to do is give you some various dates for various items that are going to occur in the next few months. The first one I'd like to see everyone attend would be the State of the City Address and that will be at Andiamo's April 7th, 2016 at 11:30. Usually the Mayor's office has tickets that they provide so call them if they don't have them available they will certainly send you in the right direction in where to get those. Maybe we can all get together and have a couple tables and have good representation at that.

Secondly there will be the Administrative Budget Hearing with the City that's mostly for the Chair here, myself and Michelle, the three of us would attend that's if that works out for the Chair. This will be on February 16th, at 12:45 in the Mayor's Office. Next is the Mayor's Budget Presentation he always does a presentation before City Council and that's ahead of their meeting and that will be April 12th, at 6:00 or 6:30 it will start, I'm not sure which it is it's one or the other and it usually runs up to 7:00 o'clock when they begin their meeting.

Finally there will be the Council Budget Hearing again with representation and that's April 16th that happens to be a Saturday in Conference room A just around the corner here. I can't tell you the time. You have to get there at 9:00 o'clock then wait in line they try and have an agenda but it's kind of difficult for them to do. Last year

I got there at 11:30 and they got to me at 1:30 I had to wait a couple hours. Finally we are having our Committee Master Plan Meeting Wednesday, January 27th, at 4:30 p.m., in the Van Dyke room.

13. CALENDAR OF PENDING MATTERS

Secretary McClanahan – Mr. Wuerth I have a couple of citizens that have contacted me about the Masonic and Schoenherr Church that's in progress any word on that?

Mr. Ron Wuerth – I really don't have any answers, they paneled it they are trying to make it look alright but don't have an answer.

Chair Howard – Yes that building there at Masonic and Schoenherr we've received a couple of phone calls regarding that the church has actually moved into St. Sharbel. So the congregation has moved there right of the middle of the congregation building. I know they have attempted to meet with some of the citizens regarding that because now all of the facilities and the amenities that they needed are in the old St. Sharbel so they are looking at doing something community based for that it's just a matter of trying to determine what that is going to be.

As far as any danger is concerned all of those issues have been addressed, the structure is still standing it's just a matter of what the next step will be with the Church. There have been suggestions about a community center for senior citizens whether it could be a housing facility in case of emergencies sort of an emergency bunker. So a lot of the various options are on the table by far the citizens can feel free to have a conversation with the Pastor there, he's open to that, actually looking for suggestions.

Vice Chair Kupiec – Last meeting we received a copy of the Warren Planning Commissioners and I noticed that there's some expired terms are they being addressed?

Mr. Ron Wuerth – Well the only thing I can suggest is that those terms of those people who have expired terms contact the Mayor and go from there. He is the one who makes the recommendation to City Council to have the terms extended.

Vice Chair Kupiec – The reason why I ask is a few years back we had a challenge on this where if you're working on an expired term that chances are your vote don't even technically count.

Mr. Ron Wuerth – It's a concern of mine but I think those who have those terms should contact the Mayor immediately and speak with him personally.

Assistant Secretary Smith – Ron I noticed when you got the consent agreement that you also had a findings with it also. When I was going through the consent agreement it was saying that they didn't need to come before Planning again unless there was some changes, where there some changes that were different from the original plan that were in your finds that we needed to approve?

Mr. Ron Wuerth – No, there were no changes that the Planning Commission would have anything to do with. What was done was there were meetings. In those meetings it was decided that they would relocate that pole and it was measured less than 100 feet from the nearest residential building and they would move it going south to the edge of the Ukrainian Parking lot and that put it at about 150 feet. We managed to get some distance out of it I would have liked to see it farther away and there were a couple locations on site but they wouldn't negotiate that so it did get placed further away.

Assistant Secretary Smith – Does this mean that, obviously with the Court making the decision that they are allowed to put a pole there being it's been moved in a new agreement, do we have to approve that?

Mr. Ron Wuerth – No, Planning Commission does not approve it, its Circuit Court. The City Council approved it and now it moves on as our attorney mentioned earlier.

Assistant Secretary Smith – So pretty much we are done as far as we are concerned?

Mr. Ron Wuerth – Yes this was correspondence and for your information.

Vice Chair Kupiec – On that same subject I had a few things. In reading that consent agreement and I'm not an attorney it seemed like Verizon was really pressed for that specific area there to satisfy the needs of the area. They kept talking about it over and over as if that was in circling geographical area there that they had to have that tower in that position. I think that's pretty farfetched personally, I'm not an engineer but I don't believe that, I know I've been a Verizon user for over 40 years I live in the area and I drop calls constantly and I've got a top of the line phone. In that same consent agreement they talked about various agreements that Verizon was

supposed to agree to with us, they were supposed to agree to certain things as I understood it.

For future reference in reference with what Mr. Smith is saying when it comes up again in the future they are supposed to make commitments that their Engineer will certify the decimal zones. I have a hard time with Verizon being a multi-billion dollar company and they can't come up with a better concept than hanging a shiny bright aluminum stainless steel pole up there and then everybody wants to tack on to it for future use. I felt that this thing was more politically motivated than it was professionally. Unfortunately we weren't allowed representation because the City Council represented us so it is what it is. I wasn't real happy about some of the things I read in the consent agreement because they downplayed the need of a Planning Commission in regards to the communications.

Mr. Ron Wuerth – It's just how these things work, the Planning Commission wanted to deny it flat out so they had every right to argue that point and indeed they did.

Vice Chair Kupiec – My understanding is they were supposed to submit to you some engineering facts for future reference?

Mr. Ron Wuerth – Yes that should be done according to this agreement we haven't received any of that as yet.

Vice Chair Kupiec – Once it's done will it become part of our ordinance?

Mr. Ron Wuerth – It's part of our record it's not part of our ordinance, the ordinance doesn't get modified.

Vice Chair Kupiec – So in the future when they come before us or someone comes before us for this kind of recommendation what they agreed to should be available through your office?

Mr. Ron Wuerth – Yes everything they agreed to has to come to our office we don't have anything yet. When it's finalized then we will receive that information I don't know when that will be.

Vice Chair Kupiec – Does it have to go through Council still?

Mr. Ron Wuerth – It's been through Council it's been to Circuit Court. I don't have the date process on that.

Vice Chair Kupiec – Does it have another process to go through to get settled?

Chair Howard – I'm going to ask Attorney Murphy answer some of those questions.

Ms. Caitlin Murphy – So basically Council has to agree to it it's a stipulated consent order, which means the parties have come an negotiated agreement. Council is the body that would act on behalf of the City, they've approved it. Verizon would also have someone that would have approved it. They sign that they send it to the court the, court can either agree to it, which usually they would agree to the consent, then it becomes a Court order. So going forward the court will have a record of the consent agreement or should keep a record that the case was dismissed based on this consent judgment. My understanding is we keep it in our records as well so that can be dug up at any point but only on that tower. So it does not apply to all Verizon towers it applies to that site plan approval. A lot of the things in the agreement were what were stated in their original complaint. So I think you read a lot of things like they were trying to prove a point under the Federal Law that they had a right to put it there. My boss negotiated basically to say that these are the things that they alleged in their complaint but that doesn't mean that they have to present anything. I think it's limited to some of the things that they have to present to Ron as far as the engineering and that kind of thing.

Vice Chair Kupiec – So this doesn't set a precedence for further towers it's only this one specific tower?

Ms. Caitlin Murphy – As far as this consent judgment yes it's limited to this tower. There were some limits I believe it's 100 feet it can't get any higher than 100 feet and there were some other stipulations there. There is a Federal Law that Verizon will probably continue to try and use it's a very ambiguous area there's a manual written by a lawyer it's a complicated law. Verizon takes it I believe is that they can put it anywhere but there are some proofs that they have to go through before they can invoke this law.

Commissioner Karpinski – Would this judgment set a precedence for other companies to bend the rules?

Chair Howard – I'll let Ms. Murphy speak to that but it's a consent agreement verses a judgment correct?

Ms. Caitlin Murphy – At this point it's just an agreement then it turns into an order. This judgment is limited to this tower, this location. In the future there may be other lawsuits but this particular consent judgment is limited to this Verizon tower.

Chair Howard – So we have the dates before us of April the 7th which is the State of the City, February 16th Budget meeting at the Mayor's Office and I would ask Mr. Vice Chair if he's available and if he could be at the Budget meeting at the Mayor's Office. The Budget presentation which is April 12th about 6:00 to 6:30 and that's the Mayor's Budget before City Council. April 16th is our hearing before City Council with our budget. Please note those dates, in addition this Wednesday for our Master Plan.

About Mr. Secretary's question about the property on Masonic and Schoneherr I do know for certain that the ministry there has bent over backwards to be accommodating to the neighbors and to be as open as they could. I think it's healthy to have concerns but I also think that it's healthy as well to try and come to some type of agreement on what that would look like.

Mr. Wuerth can share with you there's almost probably a million dollars in that construction already and just to say tear this structure down I don't think is a wise statement, which some of the neighbors have purported. I believe the ministry is very willing to have a discussion and see what the best use for that property will be. Some proposals have been a senior citizens rec center, possibly an emergency shelter, possibly a gym for young people so it would be for community use. The ministry would be holding the tap of that it wouldn't be something that the city would be supporting those would be with private funds. It's just a matter of finding something that is suitable for the north end especially because that's a heavy senior citizen area of town what is the most conducive use for that piece of land there. They are just trying to find something that is the best fit for the community and it will be healthy to have discussion about it.

Commissioner Vinson – St. Sharbel is the one coordinating that?

Chair Howard – The new ministry now is Lamb Christian Church, St. Sharbel's congregation moved to 19 Mile and Hayes. There's 20 acres of land so that's a lot of land to do a lot of good work in the city.

Commissioner Vinson – Since you are doing a calendar I would like also add May 23rd to that calendar and that's the Council of

Commissioners Dinner at 6:00 o'clock at the same place as last year
Ukrainian Hall.

14. ADJOURNMENT

MOTION:

A motion was made by Assistant Secretary Smith to adjourn, supported by Secretary McClanahan. A voice vote was taken and the motion carried unanimously.

The meeting adjourned at 8:06 p.m.

Jocelyn Howard, Chair

Jason McClanahan, Secretary

Meeting recorded and transcribed by
Mary Clark - CER-6819

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