

A regular meeting of the Rockford City Council was held Monday, March 13, 2017, at 7:00 p.m., in the Council Chambers of City Hall, 7 South Monroe Street, Rockford, MI 49341.

- I. **Meeting called to order.** The meeting of the Rockford City Council was called to order by Mayor Steve Jazwiec at approximately 7:00 p.m.
- II. **Roll Call.** Present: Mayor Steve Jazwiec, Mayor Pro-tem Cheryl Scales, and Council Members Jerry Coon, Terry Konkle, and Melissa Young.
- III. **City Manager's Report.** There was no City Manager's Report.
- IV. **Approval of the Agenda.** On a motion by Council Member Coon, with support by Council Member Scales, and carried by all, the Agenda was approved as submitted.

V. Public Comments and Presentations

Al Pratt of 210 E Main Street provided a Historical Society report and stated that they are offering free genealogy classes, which filled up very quickly. They will offer more of these classes in the future. They are also beginning to work on their fundraising activities. Mr. Pratt explained that the museum now has two directors and one paid volunteer and at least one of them will be at the museum when the museum is open. Plans are also underway to honor John Sjogren.

Linda Southwick, Executive Director of the Chamber of Commerce stated that the Expo is this Saturday and the downtown will be holding an event on March 25th, which is called Spring Break Saturday.

Lindsay with Republic Services stated that our Waste Hauler Contract expires June 30th and they are very interested in bidding. She also recommended that the City look at using only one hauler in the City, which would help our streets.

- VI. **Mayor Appointments and Proclamations.** There were no Mayoral Appointments or Proclamations.
- VII. **Consent Agenda.** On a motion by Mayor Pro-tem Scales, with support by Council Member Coon, and carried by all, the Consent Agenda was open for discussion. Discussion took place regarding one insurance item for the SOS event. On a motion by Mayor Pro-tem Scales, with support by Council Member Coon, and carried by all, the following items were approved as part of the Consent Agenda: A) the February 13, 2017 Regular, and February 20, 2017 and March 1, 2017 Special Meeting Minutes; B) the bills and transfers for February 2017; C) the Special Events Permit Application for Start of Summer.

VIII. Public Hearing

A. **To hold a Public Hearing on the proposed Planned Unit Development (PUD) Application by 202 North Monroe, LLC and related rezoning for the property located at 184, 200, 202 and 220 N Monroe Street.**

The Public Hearing began with the developer, Marcel Burgler introducing his architect, Mark Miller of Nederveld who presented the project. Mr. Miller provided a Power Point of the project and reviewed the qualifying conditions, which he explained they do meet all of these conditions. Mr. Miller reviewed City Planner Paul LeBlanc's review and how the submittal meets Paul's requests. Mr. Miller explained that the deed restrictions and covenants will be completed in the future but currently the project is not at that stage. Mr. Miller reviewed the requirements set by the Planning Commission and how they will or have satisfied the conditions. Mr. Miller also presented a street perspective of the loft building.

City Planner Paul LeBlanc focused his presentation more on the PUD District and described what a PUD District is and how it is used. Mr. LeBlanc reviewed the standards of approval and how the project is meeting or will come to meet as part of the final plan review. Mr. LeBlanc explained that based on the qualifying conditions, the proposed project satisfies a PUD Project.

Steve Oosting of Prein and Newhof provided his report on the sanitary system, storm water system and drinking water and stated that all three are in conformance. Mr. Oosting explained that while the project is only in the preliminary stage, he will need to see the details of the final plan including storm water. In general, Mr. Oosting said the preliminary plan is in conformance.

Police Chief Dave Jones stated that his department conducted a traffic study and emergency access study and the project meets their requirements.

Mayor Jazwiec opened the Public Hearing at 7:57 p.m.

Bob Stegmeier of 5285 Windmill explained that he is a member of the Rogue River Watershed and while he was very critical in the past regarding the one inch waterfall he is encouraged that the developer will do his best to meet a four or five inch rain. Mr. Stegmeier also discussed record floods that took place in the past.

Jack McClennan of 217 N Monroe stated that his home is across from the proposed project and the first home down river. Mr. McClennan stated that he is worried about water runoff and wonders where will all of the water go if we don't have something to hold it back.

Donna Alexander of 205 N Monroe street provided an explanation of how her home is directly across from the driveway and at one time, requested the developer to look at moving the driveway. Ms. Alexander stated that she is scared her house will be flooded and the sewer will back up. She also stated she is against the density and scared about the contamination.

Gail Mancewicz of 266 N Main discussed how she got verbally beat up over this project as a former Council Member and that the *Squire* only printed what was fed to them by the City and only printed one side of the story and discussed how she doesn't like the *Squire*.

Caleb Sower of 249 N Monroe discussed the lawsuit and offered to give information to the *Squire* but they wouldn't take it. Mr. Sower stated with respect to the last election, ignorant people can vote.

Kristine Sower of 249 N Monroe Street stated that the City has not been hospitable.

Mike McIntosh of 139 N Monroe Street stated he is the Director of the Board for the Neighborhood organization and he read a letter from the Winters. Mr. McIntosh questioned why the Mayor has fought so hard for the developer? Mr. McIntosh stated that the City helped the developer by appealing the court case and questioned what were the promises that were given to the developer?

Lynn McIntosh of 139 N Monroe discussed the transcript and what Judge Johnston said. She requested the City join with the neighbors and discuss this issue. Ms. McIntosh also stated that 60% of the residents in the downtown do not want the development. Ms. McIntosh requested the Council to table the request.

The Public Hearing closed at 8:25 p.m.

Council Member Coon questioned if the Rum Creek dam removal could affect this project and Steve Oosting said it will not.

Mayor Pro-tem Scales stated that she would like to see the County standards used for this site and explained the difference between the current paved lot and what Marcel is proposing with respect to water

runoff. Mayor Pro-tem Scales also explained that the City currently has a cul-de-sac off of Ten Mile with a single-entry drive that has the same number of dwellings. Mayor Pro-tem Scales also stated that her basement gets water during heavy rains and her home is located on a hill. Mayor Pro-tem Scales further stated that she has worked with the DEQ for over thirty years and they are very good at their jobs. Finally, Mayor Pro-tem Scales stated that she just met Marcel tonight and that everything the staff and Council has done with respect to this project has been done properly and above board.

Council Member Konkle stated that during the election process, he walked the City and talked to a lot of people and told each one he talked to that if they were against the Tamarack Run project that they shouldn't vote for him. Council Member Konkle further stated that he is convinced Rockford will be better off with the project and that he posted on the Neighbors Facebook page that he is available to talk and no one requested to talk to him. Finally, Council Member Konkle stated that there is no collusion here at the City.

Council Member Coon stated that the environmental part made him in favor of the project. Council Member Coon stated that Marcel put together a viable plan and we received no pressure for the project. Council Member Coon further stated that flood control will be dealt with by the Planning Commission as they do their review of the project.

Council Member Young stated that over the past few weeks she investigated the height of the loft building by comparing the height to surrounding buildings that are located in the area. Council Member Young thanked Marcel for showing the street perspective of the project.

Mayor Jazwiec stated that he resents the dishonest comments and reminded everyone that this project began with a neighborhood meeting with the developer at Kayla Rae Cellars. Mayor Jazwiec stated that the people spoke Election Day; there were more people in the know. Mayor Jazwiec stated that he also gets water in his home during torrential rains. Mayor Jazwiec asked those interested in Judge Johnston's decision to read page 46. Finally, Mayor Jazwiec stated that the Planning Commission came up with conditions that the developer took care of; our Planning Commission does a great job.

IX. New Business

- A. Consideration of Resolution 17-6 approving an Ordinance amending Zoning Ordinance and Zoning Ordinance Map and approving the Preliminary Development Plan for Tamarack Run PUD project and Ordinance 17-2 approving rezoning of Tamarack Run PUD project property from R-2 to PUD.** On a motion by Council Member Coon, with support by Council Member Young, and carried by all, Resolution 17-6 approving an Ordinance amending Zoning Ordinance and Zoning Ordinance Map and approving the Preliminary Development Plan for Tamarack Run PUD project was approved. Roll Call Vote: Ayes 5; Nays 0. On a motion by Council Member Konkle, with support by Council Member Coon, and carried by all, Ordinance 17-2 was approved rezoning of Tamarack Run PUD project property from R-2 to PUD. Roll Call Vote: Ayes 5; Nays 0.
- B. Consideration of awarding a bid for a Thermal Imaging Camera for the Public Safety Department.** On a motion by Mayor Pro-tem Scales, with support by Council Member Young, and carried by all, Council awarded a bid for a Thermal Imaging Camera to 5 Alarm in the amount of \$6,394.
- C. Consideration of awarding a bid to pave the parking area between the Rogue River Tavern and Ameritech.** On a motion by Council Member Coon, with support by Mayor Pro-tem Scales, and carried by all, Council awarded a bid to Midwest Asphalt in the amount of \$12,100.
- D. Consideration of awarding a bid to replace two sections of railing at the Rockford Dam.** On a motion by Council Member Young, with support by Council Member Konkle, and carried by all, Council awarded a bid to Michigan Ornamental Iron Work in the amount of \$28,566 for replacement of two sections of black railing.

X. Board and Commission Activities

- A. Planning Commission.** City Clerk Christine Bedford stated that the Planning Commission will not meet in March but will meet in April.
- B. Downtown Development Authority.** The DDA met to approve many projects for the 2017-18 year.
- C. Board of Zoning Appeals.** The BZA will meet this week for a request by Norm Byrne in the Industrial Park.

- D. Economic Development Corporation.** The EDC did not meet.
- E. Rockford Area Community Endowment.** RACE met to work on their dinner fundraiser, which will be held May 5 at the Sportsman's Club.

XI. Miscellaneous Items. There were no Miscellaneous Items.

XII. Council Member Comments

Council Member Konkle thanked Al Pratt for his Historical Society presentation.

Mayor Jazwiec thanked everyone for coming to the meeting and also for trying to hold back on personal attacks.

XIII. Adjournment. On a motion by Council Member Coon, with support by Council Member Young, and carried by all, the meeting adjourned at 8:48 p.m.

Christine Bedford, City Clerk