

CITY OF PERRY MINUTES
PERRY COMMUNITY BUILDING

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Regular City Council meeting held on December 7, 2023.

Invocation presented by: Pastor Tim Harmon, Perry Church of the Nazarene.

Call to Order:

Mayor called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Roll Call:

Mayor Hammond, Mayor Pro-Tem, Larry Lambert. Councilmembers Mike Connell, Bob Porter and Jacob Puffer.

Also present: City Clerk, Shirley Smith; Supt. Of DPW, Kevin Tyler, Treasurer, Meggen Galbreath, Police Chief, Kyle Bawks and Studio 123, Dennis Malloy.

Absent: Chad Fuller and Keena Dunn.

Approval of Agenda:

12-07-23-01

Moved by Porter, seconded by Connell that the agenda be adopted as printed.

Carried: all yes.

Council Meeting Minutes of November 2, 2023 and November 16, 2023:

12-07-23-02

Moved by Lambert, seconded by Porter that we suspend the rules, waive the reading and approve the minutes from the November 2nd and November 16, 2023 regular council meetings.

Carried: all yes.

Preapproved Reports or Presentations:

None.

Public Comment:

None.

Communications:

Shirley Smith handed out the third quote for the generator and also an updated Ordinance amendment #390, to replace the one that was in the agenda packet.

Mayor & Department Head Reports:

Treasurer Meggen Galbreath: Reported tax bills were mailed out on 11/28/23. It did include the \$38.50 Special Ambulance Assessment. The Ambulance Assessment will be \$110 in July 2024 on the summer tax roll. Auditors will be at the next council meeting to present the audit. She was able to get

into the COPS Grant site and can access funds. Christmas Fantasy is Saturday, December 9, 2023 from 5:30 pm – 8 pm.

Supt. Of DPW Kevin Tyler: Kevin reported the DPW did not complete the sidewalk repair at the MacQueen house. He is going to schedule that when the road is repaved next year. Flagpoles have been replaced on 12-7-23. The project is completed. Tornado siren will be installed the siren on December 13, 2023. DPW will work with West Shore to install. The gutters should be repaired in the next couple weeks on the City Hall Building. DPW has been helping with Christmas decorations. Yard collection has come to an end for the year. We are on the schedule for the brush grinding at the DPW garage.

City Clerk Shirley Smith: Nothing to report.

Police Chief Kyle Bawks: Reminded community to clear snow and ice on sidewalks within 24 hours of a snowfall and reminded everyone about the overnight parking from 3 am – 6 am. They have newly printed tickets with increased pricing. He has a quote for an agenda item for new vehicle modems. They receive data for the in-car computers. Verizon is phasing out the antennas they have now. These new modems are 5G and are under warranty for five years. He also reported that he has served on the Shiawassee County 911 Board for several years. He was recently appointed to the Chair of the 911 Board. 911 is working on a few projects and also the tornado siren project they have been working on for approximately four years.

Mayor Sue Hammond: Mayor Hammond reported there is an opening on the Local Officers Compensation Committee and the Pension Committee. Chad Fuller will be starting an EMT class that will run every Thursday from December 7th to the end of May 2023. Chad does not want to resign from Council. She is asking Council if they will make a motion to excuse him from the Thursday meetings.

12-07-23-03

Moved by Connell, seconded by Lambert that we excuse Chad Fuller from the second Thursday meeting of the month beginning December 7, 2023 through the end of May 2024.

Carried: all yes.

Committee Reports:

Meggen Galbreath planning a parks meeting may be scheduled for Monday, January 29, 2024. We received blueprints for the pavilion. We will create a scope of work and then give both vendors to rebid the pavilion. Reported that McKenna would be a Christmas Fantasy and see if they can get input from residents on the Masterplan.

Presentation and Approval of Bills:

12-07-23-04

Moved by Connell, seconded by Porter that we approve the bills as presented from the November 2nd and the November 16th regular council meeting and that payment be authorized.

Carried: all yes.

Old Business:

1.Sale of the antique truck – fund distribution

12-07-23-05

Moved by Porter, seconded by Lambert that the money received from the sale of the 1929 antique truck go toward the following disaster relief fund.

Carried: all yes.

New Business:

1. Mayor Appointments

12-07-23-06

Moved by Connell, seconded by Porter that we approve the Mayors reappointment of Maria Cuthbert to the Library Board with a term expiring December 2024.

Carried: all yes.

2. Assign committee for Bath Road sidewalks.

12-07-23-07

Mayor Hammond created a Committee to discuss sidewalks for Bath Road after there was an accident while a resident was walking her dog on the shoulder of Bath Road. She received phone calls with concerns of the safety of people walking along the side of the road. She appointed Council Member, Keena Dunn, Chief of Police, Kyle Bawks, DWP Superintendent Kevin Tyler and Bath Road resident Bob DePew to the committee. The Mayor will also sit as a member.

3.. Possible Approval of STEP invoice – Police mobile essentials.

12-07-23-08

Moved by Connell, seconded by Porter that we approve payment for the 5-year NetCloud Mobile Essentials Plan and IBR900 router with Wi-Fi for the Police Department in the amount not to exceed \$5,070.00.

Carried: all yes.

3. Possible approval of generator purchase/security upgrade – COPS Grant.

12-07-23-09

Moved by Porter, seconded by Lambert that we approve the quote from Motor City Electric Company for the purchase of the generator, including installation in the amount not to exceed \$88,500. We authorized Kevin Tyler, Department of Public Works to sign the contract and schedule the work. The security portion of the purchase will be addressed at the December 21, 2023 meeting.

Carried: all yes.

4. Possible Adopt ZO Amendment No. 386, Land Divisions.

12-07-23-10

Moved by Lambert, seconded by Puffer that we approve Zoning Ordinance Amendment No. 383, Definitions which was read during the November 2, 2023 Council meeting.

Carried: all yes.

6. Possible adopt Ordinance Repeal No. 387, Chapter 1022 Trees, Plants and Shrubs, sec 1022.01 Jurisdiction of Council.

12-07-23-11

Moved by Lambert, seconded by Connell that Ordinance Amendment No. 387, regarding the repeal of Chapter 1022 Trees, Plants and Shrubs, Section 1022.01, Jurisdiction of Council and which was read at the November 2, 2023 Council meeting be adopted.

Carried: yes 3, no 1. Roll Call: Puffer: yes, Lambert: yes, Connell: yes, Porter: no.
Motion passes.

7. Possible Adopt Ordinance No. 388, Chapter 1020 sec.1022.02 Trimming and removal, sec. 1022.03 Attachments and Injury, & sec. 1022.05 Boxelder trees.

12-07-23-12

Moved by Lambert, seconded by Connell that Ordinance Amendment No. 388, Chapter 1022 Trees, Plants and Shrubs, Section 1022.02, Trimming and removal, Section 1022.03 Attachments; Injury, and Section 1022.05 Boxelder trees (d), which was read at the November 2, 2023 Council meeting be adopted.

Carried: yes 3, no 1. Roll Call: Lambert: yes, Connell: yes, Porter: no, Puffer: yes.
Motion passed.

8. Possible Adopt Ordinance Repeal No. 389, Chapter 1020 Driveway and Sidewalks, sec 1020.99 Penalty.

12-07-23-13

Moved by Lambert, seconded by Connell that Ordinance Amendment No. 389, regarding the repeal of Chapter 1020 Driveways and Sidewalks, Section 1020.99 Penalty and which was read at the November 2, 2023 Council meeting is hereby adopted.

Carried: all yes.

9. Possible first reading ZO Amendment No. 390, Chapter 2, sec. 2.02 and sec 2.20.

12-07-23-14

Moved by Lambert, seconded by Puffer that Zoning Ordinance amendment No. 390, Chapter 2, sec. 2.02 and sec. 2.20 which reads a follow be placed on the next agenda for adoption:

THE CITY OF PERRY ORDAINS:

The City of Perry Zoning Ordinance, Chapter 2, Section 2.02 Definitions - A, Accessory Building or Structure and Section 2.20 Definitions – S, Shed are amended as follows:

Except as otherwise specified by this Ordinance, a building or portion of a building supplementary and/or subordinate to a main building on the same lot occupied by, used, or devoted exclusively for an accessory use. The accessory building can only be used for an accessory use.

A. Attached Accessory Structures - If an accessory structure is attached to the primary structure, it shall be made structurally a part of the primary structure and shall comply with all requirements of this Zoning Ordinance for the primary structure.

B. Detached Accessory Structures - No detached accessory structure shall be closer than ten (10) feet from any primary structure on either the same lot or an adjoining lot.

SECTION 2.20 DEFINITIONS – S

SHED

An enclosed, free-standing, simple-roofed structure, typically made of wood, metal, plastic, or vinyl, used as a storage space or as a noncommercial workshop. Sheds are subject to the same requirements as detached accessory buildings/structures.

STICK BUILT

The definition for stick-built structures is being deleted.

STRUCTURE

Anything constructed, installed, or erected, the use of which requires location on the ground or attachment to something on the ground. Also, any constructed, erected, or placed material or combination of materials in or upon the ground having a fixed location, including but not limited to buildings, radio towers, billboards, light posts, signs, animal enclosures (other than fences), garages, sheds, decks, platforms, portable or movable vehicle carports or enclosures, satellite dishes, towers, windmills, gazebos, tennis courts, signs, and storage bins. The following are excluded from the definition of “structure”:

A. Lawful fences, sidewalks, and paving on streets, driveways, or parking areas.

B. Decks or patios, no portion of which is located:

1. More than one (1) foot above the ground (natural grade); or
2. Closer than five (5) feet to any lot line.

This Ordinance shall take effect 30 days from date of publication.

Carried: all yes.

10. Possible first reading ZO Amendment No. 391, Chapter 3, sec. 3.14 Accessory Buildings/Structures and Uses.

12-07-23-15

Moved by Lambert, seconded by Connell that Zoning Ordinance amendment No. 391, Chapter 3, sec. 3.14 Accessory Buildings/Structures and Uses which reads as follows, be placed on the next agenda for adoption:

THE CITY OF PERRY ORDAINS:

The City of Perry Zoning Ordinance, Chapter 3, Section 3.14 Accessory Buildings/Structures and Uses is amended as follows:

General Requirements:

- A. Accessory buildings, structures and uses are permitted only in connection with, incidental to, and on the same lot with a principal building, structure or use which is permitted in the particular

zoning district. Sheds are subject to the same requirements as detached accessory buildings / structures.

B. An approved Zoning Compliance Permit is required for all accessory buildings and in addition an approved building permit is required for: all detached accessory buildings over 200 square feet and all attached accessory buildings.

C. No accessory building shall be allowed on any lot which does not contain a main building.

D. Accessory buildings shall be conventional new build construction or prefabricated. No mobile home, tank, junk object, or salvage materials, trailer, vehicle or similar item shall be utilized as an accessory building or storage structure.

E. Temporary approval for a variance to Section 3.14 (D) due to a weather-related emergency may be granted by a vote of 2/3 of the members of the Zoning Board of Appeals. (MCL 125.3604 – Subsection 9-10). **Zoning Board of Appeals is required to conduct an expedited review of any variance requested to Section 3.14 (D).**

F. Accessory buildings may be made of wood or metal, or buildings commercially manufactured of plastic, vinyl or fabric.

G. Accessory buildings must be structurally sound.

H. Accessory buildings must be securely anchored and capable of withstanding wind loads to avoid being blown from their installed location.

I. Accessory building workmanship shall be of a professional nature and maintained in good appearance and repair.

J. Within a residentially zoned district:

1. No more than two (2) detached accessory buildings shall be permitted on any lot.

2. The maximum building height of an accessory structure shall be fourteen (14) feet.

3. The total square footage of all accessory buildings located on a lot shall not exceed the ground floor area of the principal building located on the same lot.

4. Existing nonconforming accessory structures may be replaced on the existing footprint provided they are wholly contained within the property, meet the required front yard setback and design requirements, and do not inhibit emergency access.

5. The architectural character of accessory structures over two hundred (200) square feet shall be compatible with, and similar to, the main building with respect to materials, scale, design, and aesthetic quality as determined by the Zoning Administrator.

K. Attached accessory buildings and structures shall be made structurally part of the main building and shall conform to the district setback requirements of the main building.

L. Detached accessory buildings and structures shall be a minimum of ten (10) feet from another building or structure (unless properly fire suppressed) and three (3) feet from any rear or side property line.

M. Accessory building(s) shall not be erected in any required front yard or occupy any portion of a required greenbelt or buffer in any district; except that guard houses may be allowed in the required front yard of an Industrial District.

N. No accessory building shall be used in any part for residential dwelling, boarding, or sleeping purposes.

O. Amateur radio communication towers and windmills not exceeding seventy-five (75) feet in height are allowed as an accessory use to the operator's dwelling or business. Supporting structures shall be designed to collapse upon themselves rather than toppling toward adjacent properties.

P. Wireless communications antenna may be attached to a lawful existing telecommunications tower, water tower, or other structure after the issuance of a zoning compliance permit.

Q. A swimming pool may be allowed on a lot, subject to the requirements of the Building Code and Section 3.27.

This Ordinance shall take effect 30 days from date of publication.

Carried: all yes.

11. Possible first reading ZO Amendment No. 392, Chapter 17 sec. 17.02 Zoning Administrators Duties and Zoning Compliance Permits.

12-07-23-16

Moved by Lambert, seconded by Connell that Zoning Ordinance amendment No. 392, Chapter 17, sec. 17.02 Zoning Administrators Duties and Zoning Compliance Permits which reads as follows, be placed on the next agenda for adoption:

THE CITY OF PERRY ORDAINS:

The City of Perry Zoning Ordinance, Chapter 17, Section 17.02 is amended as follows:

SECTION 17.02 ZONING ADMINISTRATOR DUTIES AND ZONING COMPLIANCE PERMITS

A. The Zoning Administrator shall have the authority to issue zoning compliance permits in accordance with the requirements of this Ordinance. The Zoning Administrator may attach reasonable conditions to the granting of a zoning compliance permit.

B. It shall be unlawful to commence a use or change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use on any lot on which there is a nonconforming use, or to construct or expand any building or structure, until the Zoning Administrator has determined the change to be in compliance with all applicable provisions of this Ordinance and has issued a zoning compliance permit.

C. The Zoning Administrator shall evaluate the structure, plans, specification and intended use of any structure. Documented approval shall be provided once the Zoning Administrator has determined that such structure complies in all respects with this Ordinance. Prior to this approval, it shall be unlawful to commence land clearing or excavation for the construction, relocation, or repair of any structure regulated by this Ordinance.

This Ordinance shall take effect 30 days from date of publication.

Carried: all yes.

12. Possible first reading ZO Amendment No. 393, Chapter 3, sec. 3.34 Driveways, Off-Street Parking and Sidewalks.

12-07-23-17

Moved by Lambert, seconded by Connell that Zoning Ordinance amendment No. 393, Chapter 3, sec. 3.34 Driveways, Off-Street Parking and Sidewalks which reads as follows, be placed on the next agenda for adoption:

THE CITY OF PERRY ORDAINS:

The City of Perry Zoning Ordinance, Chapter 3, Section 3.34 is amended as follows:

Section 3.34 Driveways, Off-Street Parking and Sidewalks

No person shall construct or alter a driveway approach or sidewalk without first obtaining a Zoning Permit approved by the Zoning Administrator and Driveway Approach/Sidewalk Permit approved by the Superintendent of Public Works.

A. Driveway Approaches. All driveway approaches between the curb and gutter and sidewalk shall be paved with either concrete or bituminous leveling or wearing course. Bituminous pavement shall consist of a minimum of 110 pounds per square inch of MDOT 13A. Concrete driveway approaches for residential sections shall be a minimum of six inches thick, and a minimum of nine inches thick for commercial approaches. The maximum grade on driveway approaches shall be fourteen percent. The width of the driveway curb cut shall conform to the standard detail.

1. All work in connection with the above-mentioned driveway approach is to be performed by the applicant. No other work, such as extending, tiling or filling of any ditch in front of property, will be permitted without special permission from the Department of Public Works Superintendent. The applicant will pay for all damages to the street on account of the driveway installation, and shall save the City Council, Department of Public Works Superintendent and City of Perry harmless from all suits, claims, damages and proceedings arising out of any improper installation of the driveway approach.

B. Driveways & Off-Street Parking. In addition to the requirements set forth in Sections 3.34, 7.05, and 13.05, driveways and off-street parking areas in all zoning districts must be clearly identified by at least one of the following methods:

- Constructed of hard surfaced materials (concrete, asphalt, or brick pavers).

- Gravel, crushed stone, road gravel, limestone, or crushed asphalt or concrete
- Unimproved area maintained free of any vegetation (grass, weeds, etc.) which clearly defines allowable driveway and parking area
- Driveway and parking area clearly defined and outlined by means of landscaping, edging, **lawn pavers**, permanent and visible means

Off street parking area must be an extension of / connected to driveway – One vehicle width of off-street parking parallel and contiguous to identified driveway is exempt from above identification methods

Driveways and off-street parking must conform to all existing size and property line setback requirements. Zoning Permit approval by the Zoning Administrator is also required.

C. Sidewalks. Sidewalks must be installed from property line to property line. All sidewalks constructed must be a minimum 4” thick and minimum of 6” thick if being poured within a driveway or approach. All new sidewalk constructed must be a minimum of 60” wide. Replacement sidewalk sections must be the same width as the existing, adjoining sidewalk sections. If the replacement sidewalk does not directly connect to existing sidewalk, it must be a minimum of 60” wide. Sidewalk must comply with all design standards set forth by the City of Perry. Should placement of concrete be necessary over or near tree roots, the tree roots should be removed whenever possible. Chemical treatment of the tree roots is recommended when it can be done safely. Copper sulfate, or other herbicides can be used to prohibit tree root growth, without harming the tree. Walks shall be protected from pedestrian traffic for 2 days and vehicles for 7 days.

D. ADA Sidewalk Compliance Requirements- Any new sidewalk that exits into an intersection, must install a handicap sidewalk warning pad. (**Black** Cast Iron or **Black** Composite is acceptable.)
 DETECTABLE WARNING PLATES: Follow ADA specifications and follow manufacturer’s installation specifications to properly install detectable warning plates per site plan layout. Pay special attention to be sure the concrete comes through all the holes in the plate to eliminate all cavities below the plate that could trap water.

Carried: all yes.

Any Other Business That May Come Before Council:

None

Public Comment:

None.

Council Discussion & Observations:

None.

Agenda Items For Next Meeting:

- Possible adopt ZO amendment #390.
- Possible adopt ZO amendment #391.
- Possible adopt ZO amendment #392.

Meeting Adjourned: 8:38 pm

Susan J. Hammond, Mayor

Shirley Smith, City Clerk