



City of Plymouth
City Commission Regular Meeting Minutes
Monday, July 17, 2023, 7:00 p.m.
Rotary Park – Herald & Wing

City of Plymouth
201 S. Main St.
Plymouth, Michigan 48170-1637

www.plymouthmi.gov
Phone 734-453-1234
Fax 734-455-1892

1. CALL TO ORDER

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

b. Roll Call

Present: Mayor Moroz, Mayor Pro Tem Suzi Deal, Commissioners Linda Filipczak, Jennifer Kehoe, Alanna Maguire, Kelly O'Donnell and Marques Thomey

Also present: Assistant City Manager Chris Porman, Attorney Bob Marzano and various members of the City administration

2. APPROVAL OF MINUTES

Filipczak offered a motion, seconded by Deal, to approve the minutes of the July 3, 2023, City Commission meeting as amended.

There was a voice vote.

MOTION PASSED

3. APPROVAL OF THE AGENDA

Maguire offered a motion, seconded by O'Donnell, to approve the agenda for the July 17, 2023, meeting.

There was a voice vote.

MOTION PASSED

4. ENACTMENT OF THE CONSENT AGENDA

a. Special Event: Plymouth Community Fall Festival – September 8-10, 2023

b. Approval of June 2023 Bills

There was a voice vote.

MOTION PASSED

5. CITIZEN COMMENTS

Martha Walton of 1465 Palmer thanked Municipal Services for their recent cleanup work in the City.

State Representative Matt Koleszar provided an update on the budget (City receiving funds for new bandshell and a police cruiser), Distracted Driving Law in effect on June 30, 2023, and Proposal II.

6. COMMISSION COMMENTS

Deal, Kehoe and Moroz recognized and thanked everyone involved for their work related to recent events in the City.

7. OLD BUSINESS

There was no old business.

8. NEW BUSINESS

a. Outdoor Dining Area Policy

The following resolution was offered by O'Donnell and seconded by Kehoe for Resolution #1.

RESOLUTION 2023-69

WHEREAS The current Outdoor Dining Policy was adopted in 2013 and the platform dining policy was adopted as a response to COVID; and

WHEREAS The City Commission has indicated to the administration that they want to combine the sidewalk café policy and platform dining policy into a single Outdoor Dining Area policy; and

WHEREAS City Administration has collaborated closely with members of the City Commission and incorporated their feedback into the enclosed draft; and

WHEREAS The City Commission, at the request of restaurant owners, is interested in committing to a multi-year policy with allowance for amendments as necessary; and

WHEREAS The DDA Board have reviewed the draft policy and requested the commission consider their input on this matter as part of the approval process.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth adopt the enclosed Outdoor Dining Area policy with a commitment to the policy for six-years.

Kerri Collins of 730 Penniman spoke about her ideas regarding pedestrian access, meeting the needs of residents and conforming with the national standards for urban street design.

Frank Yaquinto of Compari's, Fiamma and Sardine Room spoke about the distance to the dining area.

Ryan Yaquinto of Compari's, Fiamma and Sardine Room spoke about patio spacing, walkability, the cost, and comparisons with thriving downtowns.

Wes Graff from Plymouth Chamber spoke about walkability.

Commission members spoke about policy and configuration and the needs of residents and business owners, walkability, cost, fees, and the six-year commitment. It was agreed that more dialog was needed before adoption of the policy.

A motion was made by Moroz and seconded by Thomey to table this item for further discussion and will remain on agenda as Old Business until resolved.

There was a voice vote.

MOTION PASSED

b. Recreation Millage Question

A motion was offered by Member Moroz and supported by Member Thomey to allow Member Maguire to recuse herself from discussion and voting due to her outside relationships being in conflict with other parties relevant to this matter.

There was a voice vote.

MOTION PASSED

The following resolution was offered by Kehoe and seconded by O'Donnell.

RESOLUTION 2023-70

RESOLUTION PROPOSING CHARTER AMENDMENT FOR
PARKS AND RECREATION MILLAGE

CITY OF PLYMOUTH
County of Wayne, State of Michigan

At the regular meeting of the City Commission of the City of Plymouth, County of Wayne, State of Michigan, held on July 17, 2023, at 7:00 o'clock p.m. prevailing Eastern Time.

PRESENT: Members: _____

ABSENT: Members: _____

The following resolution was offered by Member _____ and supported by Member _____:

WHEREAS, Section 8.5 of the City Charter of the City of Plymouth, Michigan (the "City") authorizes the City to levy up to 15 mills for municipal purposes; and

WHEREAS, the Home Rule Cities Act, Act 279 of the Public Acts of 1909, as amended ("Act 279") requires that the City Charter shall provide for the tax rate limitation of the City, which shall not exceed 2% (20 mills) of the taxable valuation of all real and personal property; and

WHEREAS, by operation of the Headlee Amendment to the Michigan Constitution and State law implementing the terms thereof, the City's effective City Charter tax rate limitation has been reduced from 15 mills to 10.3410 mills; and

WHEREAS, the City Commission desires to seek voter approval to amend the City Charter to authorize a parks and recreation millage of 1.75 mills, for 12 years, from 2024 through 2035, to acquire, construct, improve, furnish, operate and maintain parks and recreation facilities.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Proposed Amendment; Existing Provision. The City Commission by a three-fifths vote of its members-elect, pursuant to the authority granted by Act 279, proposes that Section 8.5 of the City Charter of the City shall be amended, to read as follows:

Section 8.5. - Adoption of Budget Tax Limit.

No later than the second regular meeting of the Commission in the month of June, the Commission shall, by resolution, adopt the budget for the next fiscal year and shall in such resolution make an appropriation of the money needed for municipal purposes during the ensuing fiscal year of the city and provide for a levy of the amount necessary to be raised by taxes upon real and personal property for Municipal Purposes, which levy shall not exceed one and one-half percent (15 mills) of the taxable valuation of all real and personal property in the city: Provided, that such levy may be increased from time to time for one-year periods by a majority of the electors of the city voting at the election at which the proposition to do so shall be so submitted, but such increase shall be limited to an amount which will not cause the total levy under authority of this section to exceed two percent of the assessed value of the real and personal property in the city for the year in which such increase shall be authorized, subject to the provisions of state law relative to the assessment and levy of taxes for the payment of the principal of, or the interest on, bonds or other evidence of indebtedness issued by the city. In addition, the city may levy an amount not to exceed one and three-quarter thousandths (1.75 mills) of the taxable value of all real and personal property in the city, for 12 years, beginning in 2024 and through 2035,] to acquire, construct, improve, furnish, operate and maintain parks and recreation facilities.

The existing Section 8.5 of the City Charter of the City of Plymouth to be altered by such proposal, if adopted, now reads as follows:

Section 8.5. - Adoption of Budget Tax Limit.

No later than the second regular meeting of the Commission in the month of June, the Commission shall, by resolution, adopt the budget for the next fiscal year and shall in such resolution make an appropriation of the money needed for municipal purposes during the ensuing fiscal year of the city and provide for a levy of the amount necessary to be raised by taxes upon real and personal property for Municipal Purposes, which levy shall not exceed one and one-half percent (15 mills) of the taxable valuation of all real and personal property in the city: Provided, that such levy may be increased from time to time for one-year periods by a majority of the electors of the city voting at the election at which the proposition to do so shall be so submitted, but such increase shall be limited to an amount which will not cause the total levy under authority of this section to exceed two percent of the assessed value of the real and personal property in the city for the year in which such increase shall be authorized, subject to the provisions of state law relative to the assessment and levy of taxes for the payment of the principal of, or the interest on, bonds or other evidence of indebtedness issued by the city.

2. Form of Ballot Proposal. The proposed amendment to Section 8.5 shall be submitted to the electors in the following form:

PLYMOUTH CITY CHARTER AMENDMENT
FOR PARKS AND RECREATION MILLAGE

Shall Section 8.5 of the Charter of the City of Plymouth, Wayne County, Michigan, be amended to permit the levy by the City of a new additional ad valorem property tax in an amount not to exceed one and three-quarters (1.75) mills, for 12 years, from 2024 through 2035, to provide funds to the City to acquire, construct, improve, furnish, operate and maintain parks and recreation facilities? It is estimated that 1.75 mills would raise approximately \$1,275,955 when first levied in 2024.

[] YES

[] NO

3. Submission to the Governor and Attorney General. The City Clerk shall transmit copies of the proposed amendment of Section 8.5 of the City Charter to the Governor of the State of Michigan for approval and transmit a copy of the foregoing statement of purpose of the proposed amendment of Section 8.5 of the City Charter to the Attorney General of the State of Michigan for approval, as required by law.

4. Submission at the General Election. The proposed charter amendment of Section 8.5 shall be, and the same is hereby ordered to be, submitted to the qualified electors of this City at a City election to be held on November 7, 2023, and the City Clerk is hereby directed to give notice of the election and notice of registration thereof in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the charter amendment to the vote of the electors as required by law.

5. Publication. The proposed amendment of Section 8.5 shall be published in full together with the existing charter provision altered or abrogated thereby as part of the notice of election.

6. Canvass. The canvass and determination of votes of said question shall be made in accordance with the laws of the State of Michigan and the City Charter of the City of Plymouth.

Moroz spoke about recreation being the single most important issue in citizen surveys.

Thomey spoke about the City losing inventory for recreation purposes and the opportunity to purchase additional space.

There was a voice vote.

MOTION PASSED

c. Fence Ordinance Amendment

The following resolution was offered by Thomey and seconded by Deal.

RESOLUTION 2023-71

WHEREAS The City Commission has adopted a key objective to modernize and update zoning ordinance to reflect community vision; and

WHEREAS The proposed fence ordinance language aligns with the goals of the City's Master Plan and City Planning Commission; and

WHEREAS The Planning Commission held a public hearing to hear comments on the fence ordinance amendments; and

WHEREAS The Planning Commission approved the amendments to Section 78-208 on November 9, 2022.

NOW THEREFORE BE IT RESOLVED THAT the City Commission does hereby approve the first reading of the amendments to the fence ordinances and schedule a second reading and public hearing for the next regular City Commission meeting.

ARTICLE X. FENCES

Sec. 18-371. Purpose, intent.

It is the intent and purpose of this article to assure to occupants of all properties adequate light and air adjacent to structures and in yard areas, effective and desirable sight distance from the front of all structures in all directions, the right to provide for their own privacy within their properties, to protect plantings from damage by trespass, and to prevent such construction related thereto as would be hazardous.

(Ord. No. 82-11, § 1(8.21), 8-16-82)

Sec. 18-372. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Border means a planting area composed of shrubs, trees, etc., which is utilized as a part of the landscaping of a lot.

Decorative fence means a permanent barrier not used for enclosure. Any such fence shall be a part of the overall landscape plan and shall be composed of natural materials such as wood (i.e., split rail fence, picket, etc.) or a decorative metal construction (i.e., aluminum, wrought iron, etc.).

Fence means a permanent barrier enclosing a plot of land or portion thereof composed of manmade or processed materials erected on posts, for the purpose of preventing or controlling entrance or to confine within or to mark a boundary.

Gutter grade means the lowest point of integral curb and gutter down which water flows, or, when no curb or gutter exists, is the lowest point between the street and sidewalk down which water will flow or drain.

Picket fence means a permanent barrier enclosing a plot of land or portion thereof composed of manmade or processed materials erected on posts, for the purpose of preventing or controlling entrance or to confine within or to mark a boundary. A picket fence shall have spaced uprights connected by two or more horizontal rails. The uprights shall not exceed 4 inches in width. The space between uprights shall be a minimum of 2.5 inches and must not exceed 4 inches.

Sidewalk line means the edge of the constructed public sidewalk that is adjacent or closest to the lot line.

Wall means a barrier constructed of masonry or other solid materials on a continuous concrete footing for the purpose of controlling entrance, sound and/or view.

(Ord. No. 82-11, § 1(8.22), 8-16-82; Ord. No. 2011-02, § 1, 1-17-11)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 18-373. Prevention of hazards.

- (a) No fence, border or wall shall have exposed beneath a height of eight (8) feet any sharp protrusions which would be likely to cause physical or material damage to persons or clothing passing by the fence, border or wall.
- (b) Any wall shall be capped with a peaked coping of sufficient pitch to discourage walking.

(Ord. No. 82-11, § 1(8.26), 8-16-82; Ord. No. 2011-02, § 1, 1-17-11)

Sec. 18-374. Line fences and walls.

All fences and walls must be located entirely on the private property of the person constructing the same; provided, however, that if adjoining property owners jointly apply for and sign a permit to erect a fence upon their common property line, such fence may be so erected. No temporary type of barrier or temporary fence of any type shall be permitted in the front yard areas.

(Ord. No. 82-11, § 1(8.27), 8-16-82)

Sec. 18-375. Electric fences.

It shall be unlawful for any person to construct or maintain, or to allow to be constructed or maintained upon property owned or occupied by such person, any fence charged or connected with an electrical current in such manner as to transmit such current in the form of shock to persons or animals which might come in contact with such charged fence. This shall exclude underground electric pet containment fences.

(Ord. No. 82-11, § 1(8.28), 8-16-82; Ord. No. 2011-02, § 1, 1-17-11)

Sec. 18-376. Appeals.

If there is believed to be a conflict between the stated intent and any specific provisions of this article, the zoning board of appeals may, in accordance with established procedures, permit modification of such specific provision, while retaining the intent, in such appealed instance.

(Ord. No. 82-11, § 1(8.29), 8-16-82)

Sec. 18-377. Permits.

- (a) It shall be unlawful for any person to construct, or cause to be constructed, any fence or wall upon any property within the city without first having obtained a permit therefor.
- (b) Any person desiring to construct, or cause to be constructed a fence or wall upon property in the city shall first apply to the building department of the city for a permit, for which there shall be a fee, the amount of which shall be set by resolution of the city commission. Such permit shall be issued by the building inspector upon a written application, and shall contain such information as may be required by the inspector in order to determine that such fence or wall will not violate any provision of the city Code or state law.

(Ord. No. 82-11, § 1(8.23), 8-16-82)

Sec. 18-378. Establishing lot lines.

The building inspector may require the owner of property upon which a fence is to be constructed to establish lot lines upon such property, through the placing of permanent stakes located by a licensed surveyor. Such lot line shall be established before such fence shall be erected, and the building inspector may withhold the issuance of the required permit until the lot lines are established and permanent stakes are placed.

(Ord. No. 82-11, § 1(8.30), 8-16-82)

Sec. 18-379. Borders.

Borders may be planted in any yard area subject to the following provisions:

- (1) Borders shall not be located nearer than two feet to any drive or walkway. Borders are also subject to additional restrictions as specified in this section.
- (2) No border shall obscure visibility within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of 25 feet from their point of intersection. Shrubs or hedges or other plantings (excluding trees) in this area shall not exceed 30 inches in height above the average gutter grade adjacent to this area. Trees planted within this same area shall not have branches lower than eight feet above the average gutter grade. Sight visibility shall be in accordance with Section 78-207 of the Zoning Ordinance.
- (3) Similar restrictions as above shall be required in a 15-foot corner triangle formed at the intersection of any driveway and alley or any driveway and street right-of-way line.

(Ord. No. 82-11, § 1(8.24), 8-16-82; Ord. No. 2011-02, 1-17-11)

Sec. 18-380. Fences and walls.

- (a) All posts thereof shall be of materials designed to withstand rusting, rotting and other weather-related deterioration for a period of not less than ten years.
- (b) Fences shall be setback a minimum of 1-foot away from the sidewalk line.
- (c) Solid masonry walls shall be erected on continuous foundations at least 42 inches below grade.
- (d) Fences or walls within a required front yard area shall be decorative style only consisting of wrought iron, metal, or pickets and masonry or stone walls. Decorative fences or walls placed within a front yard shall not exceed 30 inches in height. A decorative fence or wall shall contribute to the identification and beauty of the principal building. Chain link fences are not allowed within a required front yard area.
- (e) Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed six and one-half feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard setback, whichever is greater (see Figure 1). In the case of a rear yard abutting a side yard, the side yard abutting a street shall be a continuation of the required front setback on the lot to the rear, and a 48-inch-tall picket fence may project into this area but shall not extend toward the front of the lot nearer than the front of the house (see Figure 2).

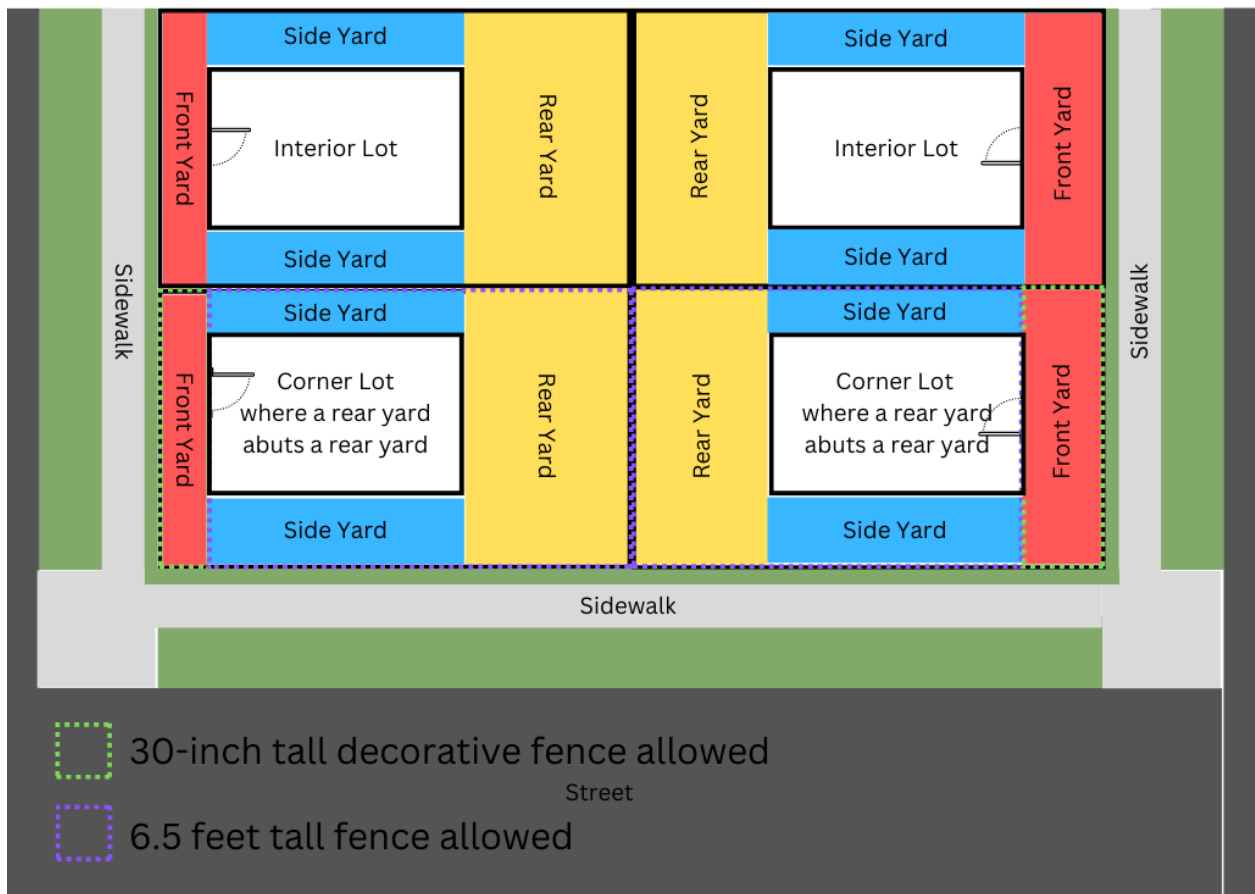


Figure 1.

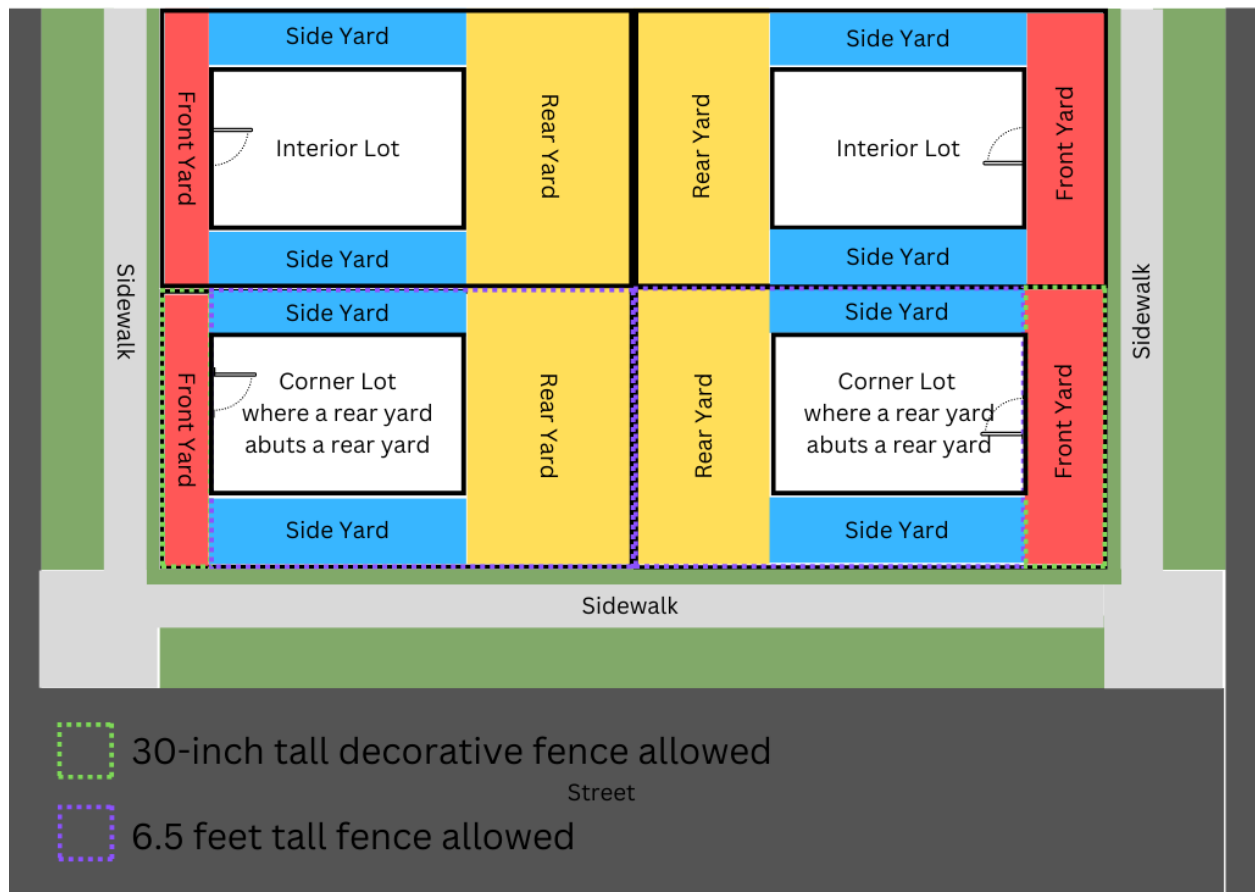


Figure 2.

- (f) In business zoned areas, fences and walls should not exceed a height above ground level of more than six and one-half feet. On corner lots, no fence, wall, shrubbery or other obstruction to vision above a height 30 inches from the established street gutter grades shall be permitted within the triangular area forward at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines for a distance along each line of 25 feet from their point of intersection.
 - (g) In industrial zoned areas, fences and walls may be constructed up to eight feet in height. On corner lots, no fence, wall, shrubbery or other obstruction to vision above a height of 30 inches from the established street gutter grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines for a distance along each line of 25 feet from their point of intersection. Barbed wire may be installed on the top of such fences on arms or supports over the private property of the owner of the fence at least eight feet above the adjacent grade level.
- (Ord. No. 82-11, § 1(8.25), 8-16-82; Ord. No. 2011-02, § 1, 1-17-11)

Secs. 18-381—18-400. Reserved.

Sec. 78-208. Residential fences.

Fences or walls are permitted, subject to the paramount provisions of the City of Plymouth Fence Ordinance (Chapter 18, Building Regulations Article X, Fences 18-371—18-380) and subject to the further provisions of this section. If any of the provisions of this section should conflict with the City of Plymouth Fence Ordinance, the stricter provision shall prevail. It is the intent, however, that the following provisions be construed harmoniously with the fence ordinance where possible.

- (1) Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed six and one-half feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, whichever is greater (see Figure 1). In the case of a rear yard abutting a side yard, the side yard abutting a street shall be a continuation of the required front setback on the lot to the rear, and a 48-inch-tall picket fence may project into this area but shall not extend toward the front of the lot nearer than the front of the house (see Figure 2).

Figure 1.

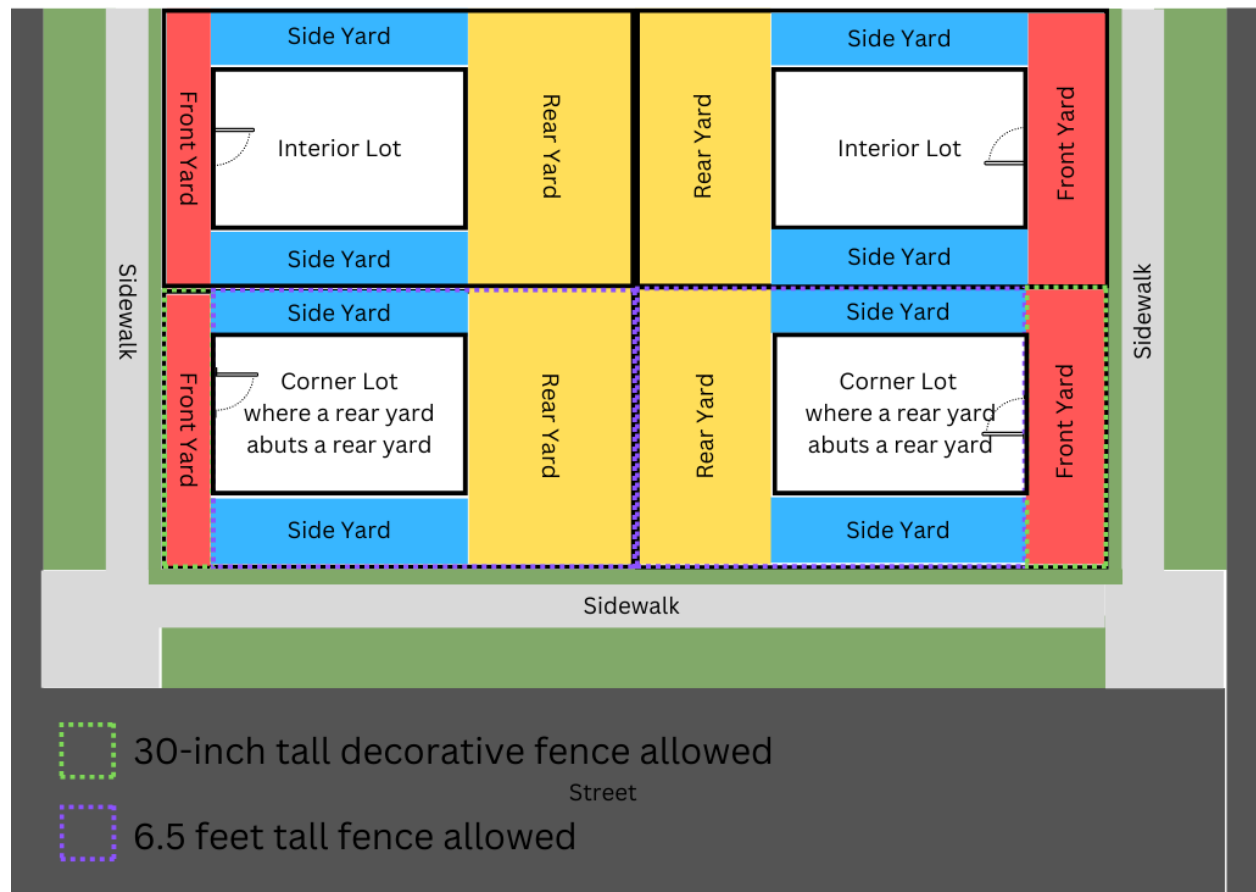
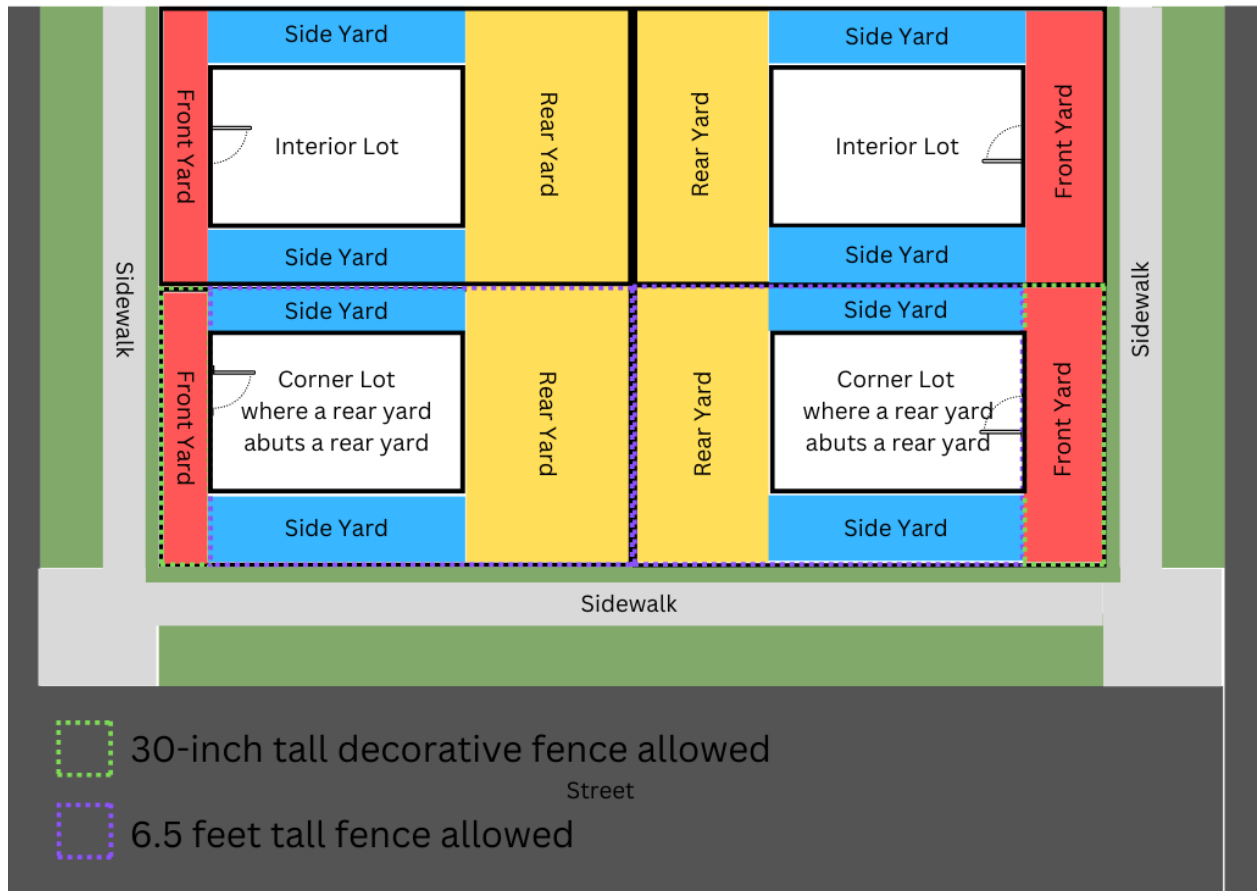


Figure 2.



- (2) Fences on lots of record shall not contain barbed wire, electric current, or charge of electricity. This shall exclude underground electric fences used for pet containment.
- (3) All fences or walls shall be constructed with the finished side exposed to neighboring properties, the support posts placed on the inside, and in a manner which serves to enhance the aesthetic appearance of the neighborhood or surrounding area.
- (4) Posts and finials may extend no more than six inches above the maximum permitted height of a fence.
- (5) Fences for swimming pools shall comply with the regulations of the state construction code.
- (6) No fence, wall, or plantings shall interfere with visibility from a driveway, alley or intersection. All fences, walls, or plantings shall comply with the corner clearance requirements of section 78-207.
- (7) Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots, shall not exceed eight feet in height measured from the surface of the ground, and shall not obstruct vision to an extent greater than 25 percent of their total area.
- (8) Fences or walls within a required front yard area shall be decorative style only consisting of wrought iron, metal, or pickets and masonry or stone walls. Decorative fences or walls placed within a front yard shall not exceed 30 inches in height. A decorative fence or wall shall contribute to the identification and beauty of the principal building. Chain link fences are not allowed within a required front yard area.

- (9) Walls constructed of masonry, stone or pre-cast materials and constructed within a side or rear yard shall have a maximum height of 30 inches. This shall exclude screening walls constructed between conflicting land uses as specified in section 78-206.

(Ord. of 10-6-03; Ord. No. 2011-03, § 2, 1-17-11)

Sec. 78-209. Industrial fences.

Fences are permitted in industrial districts as follows:

- (1) Fences shall not be allowed within the front yard of any industry on sites of less than ten acres in size. Fences may be allowed in front yards of sites of ten acres or more after review and approval of the planning commission.
- (2) Fences not to exceed eight feet in height shall be permitted in side and rear yards. Barbed wire shall be allowed on fences not less than eight feet in height in not more than three strands mounted in a "Y" at the top of the fence and shall be permitted provided such "Y" is located to project over the property being fenced.

(Ord. of 10-6-03)

There was a voice vote.

MOTION PASSED

9. REPORTS AND CORRESPONDENCE

a. Liaison Reports

Thomey- Next NPFAB meeting is Monday 8/7/23 at City Hall.

Maguire- Moroz reading at Library on Tuesday (7/18) at 5p.m.

Kehoe-Reported on Zoning Board of Appeals meeting

Filipczak- Reported on Historic District Commission meeting

O'Donnell- Reported on Planning Commission meeting

10. ADJOURNMENT

A motion to adjourn was offered by Filipczak and seconded by Thomey at 8:08 p.m.

There was a voice vote.

MOTION PASSED

NICK MOROZ
MAYOR

MAUREEN A. BRODIE, CMC, MiPMC
CITY CLERK