

CITY OF WARREN  
PLANNING COMMISSION  
PUBLIC HEARING

Regular Meeting held on June 12<sup>th</sup>, 2023, at 7:00 p.m.,

A Regular Meeting of the Warren Planning Commission was called for Monday, June 12<sup>th</sup>, 2023, at 7:00 p.m., in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan 48092.

Commissioners Present:

Claudette Robinson  
Michelle Tutt  
Delwar Ansar  
Mahmuda Mouri - Assistant Secretary  
Warren Smith - Secretary  
Merle Boniecki - Vice Chair  
Garry Watts – Ex Officio  
Jonathan Lafferty – Ex- Officio

Also present:

Ron Wuerth – Planning Director  
Michelle Katopodes – Planner III  
Mark Gorbett- Planner I  
David Crabtree - Temporary Office Coordinator  
Mary Michaels - Assistant City Attorney  
Patrick Conlin - Communications Department

1. CALL TO ORDER:  
Vice Chair Boniecki - Calls the meeting to order at 7:00 p.m.
2. PLEDGE OF ALLEGIANCE:
3. ROLL CALL:  
Secretary Smith – We need a motion to excuse Commissioner Chowdhury she is sick.

MOTION:

A motion was made by Commissioner Tutt to excuse Commissioner Chowdhury, supported by Commissioner Robinson.

ROLL CALL:

The motion carried as follows:

Commissioner Tutt..... Yes  
Commissioner Robinson..... Yes

Commissioner Ansar..... Yes  
 Assistant Secretary Mouri..... Yes  
 Secretary Smith..... Yes  
 Vice Chair Boniecki..... Yes

Secretary Smith – I also need a motion to excuse Commissioner Kupiec, he’s got some problem with his legs today.

MOTION:

A motion was made by Commissioner Robinson to excuse Commissioner Kupiec, supported by Commissioner Tutt.

ROLL CALL:

The motion carried as follows:

Commissioner Robinson..... Yes  
 Commissioner Tutt..... Yes  
 Commissioner Ansar..... Yes  
 Assistant Secretary Mouri..... Yes  
 Secretary Smith..... Yes  
 Vice Chair Boniecki..... Yes

Vice Chair Boniecki – At this time I’d like to recognize Councilman Garry Watts, Councilman Jonathan Lafferty and Councilman Kabacinski.

4. APPROVAL OF THE AGENDA:

MOTION:

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

5. APPROVAL OF MINUTES May 22<sup>nd</sup>, 2023:

MOTION:

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

6. PUBLIC HEARING ITEMS:

Members of the audience who wish to address the Planning Commission this evening for a public hearing item may do so by first

checking in with the court reporter at the right of the stage, and will have three (3) minutes to speak.

- A. SITE PLAN FOR OUTDOOR RETAIL SALES OF GARDENING SUPPLIES: Located on the northeast corner of Eight Mile Road and Le Fever Avenue; 4545 & 4547 Eight Mile; Section 32; Vinson Bahri (Robert Ihrie). **Postponed from May 22<sup>nd</sup>, 2023.**

Vice Chair Boniecki – We do not currently have a full 9 member board, at this point you may move forward. Please indicate whether you accept the results of the current Planning Commission or you can request that this item be postponed to the next scheduled Planning Commission Meeting.

Mr. Robert Ihrie – I respectfully request that this item be postponed to the next meeting that doesn't fall on the 1<sup>st</sup> or 3<sup>rd</sup> Monday.

Vice Chair Boniecki – We can postpone it to June 26, 2023.

Mr. Robert Ihrie – Yes.

Ms. Mary Michaels – Madame Chair, if I may address the petitioner. Mr. Ihrie will this be a date certain, June 26<sup>th</sup>, will we proceed on that day?

Mr. Robert Ihrie – Of course the Planning Commission is nine people and I understand that it's only 8 right now because there's a vacancy that has not yet been filled, is that correct?

Ms. Mary Michaels – Unless there is a suspension of that rule, that is by rule.

Mr. Robert Ihrie – I don't mind going ahead without nine, I would at least request eight.

Ms. Mary Michaels – So as of now it's a date certain, June 26.

Mr. Robert Ihrie – Even if there are only 5 members?

Ms. Mary Michaels – Well the Commission can always have the latitude to suspend the effect of that rule on that date.

Mr. Robert Ihrie – Yes, I will be here with my client ready to proceed.

Ms. Mary Michaels – Alright that's satisfactory.

Mr. Robert Ihrle – I just want to make sure, are you telling me that if there are only a limited number of Planning Commissioners I have to proceed anyway?

Ms. Mary Michaels – The Commission will be discussing that, if it suspends the effect of that rule there's nothing in the enabling act that would prohibit the Planning Commission from doing so and then yes it has the latitude to proceed. I just want to make sure that your client is ready to go.

Mr. Robert Ihrle – Alright thank you.

PUBLIC HEARING:

Ms. Holly Fabian – Good evening people, sorry to be here at the same time and the same channel. I will tell you what I noticed today specifically on the way over here. They mowed the lawn today everywhere but the lot where they tore the house down. The grass is yay high and I'm going to point out to you because I know you're all going let's give them a chance. If they are not doing it now and you narrow that down to 20 feet from the fence line, they are not going to mow that either and it's going to end up being really tall weeds turning into trees being a mess. These people are not good neighbors they are not working in good faith. They have signs up all over the place saying no semis, we still get semis.

We have rats that go back and forth across the street and I was sitting there looking at it the other day and I thought if you move them to there now you're only 20 feet away which is like from this lady to this lady you want me to believe that you're going to have people that are supposedly shopping not looking through that fence into Ella's yard while she's barbequing with her grandkids or something. I don't think I'd like to have that 20 feet from my fence line. You're in your back yard with your family do you really want people looking and saying what are they doing over there.

It's going to put them right up next to that Tabernacle and there are children there do you really want all those strangers. Would you put children in a school right next to Walmart's parking lot, kids get snatched. I'm not saying Mr. Bahri would do it but you don't know who all those people are in that parking lot and there are people that notice hey there's children there.

Ella's not here tonight and I will tell you right now Ella has already said well you know if they move over there I'm just going to move, she just moved in. Why should she have to leave, that was the threat that they gave to me, if I didn't let them do what they wanted they were going to wait me out and pressure me until I sold my house, and they would buy my house and turn it into a parking lot.

A threat does not mean they have to beat you up. I love my house. I have sculpted my backyard; I cannot even tell you how many hours we are up to 7 of them big blue garbage cans full of weeds and my garden looks great. If Ella sells her house because she doesn't want to be there, and Mr. Bahri buys it, are we going to level Ella's house and just keep moving up the block. You guys need to stop this they should not be putting their business where that house was, that's residential. You just don't keep tearing down houses and moving the parking lot over into the middle of the people's yard. I don't want that directly across the street from my house. Do you know what that will do to the value of my house, who's going to want to buy it even if they put up a wall would you want to live across the street.

Mr. Eddie Kabacinski – Good evening Planning Commission. Eddie Kabacinski 8679 Hudson, I live in District 5, I represent and advocate for District 5 as a Councilperson. It's very interesting, it's campaign season here in the City of Warren and I think it's very interesting to find out who's writing the checks to what candidates for the gardening supplies and for those involved with those who grow a certain product from those gardening supplies.

I'm being cryptic here but I think we all know what we are talking about, we are all talking about pot, we are all talking about ganja, marijuana. This stuff is killing our kids and this year back in the day when I used to do drug intervention for the City of Inkster and also the Federal Government as a law enforcement officer I can tell you right now this stuff here got confiscated and you got charged for having this stuff, why, because it was an integral part of making the dope. It was the integral part of selling the dope, it was contraband and we are going to go ahead and license the outdoor retail sales of gardening supplies.

Let's be real here folks, this is the stuff that's on the street right now killing our kids, this is the stuff that we have to use the Narcan to try and save lives from people that overdose on this stuff. I can tell you for a fact in the early 90's I used to have to do this drug intervention and this kind of gardening supplies is exactly what you would find in

the dope and drug house and we are going to go ahead and license it and say it's okay for sales in the City of Warren and it's going to be a detriment to the community.

I'll say this again, I think it's very interesting who's actually campaigning for office and getting money from these guys and it's going to be done to the detriment of the community. I can tell you it's the individuals that have those 12 x 4 feet signs that you see all over the city, you know who I'm talking about. They block the atmosphere, they block the view they are not just a simple yard sign that's dope and I don't mean that in a good way. Thank you.

Mr. Gary Rinko – Good evening, my name is Gary Rinko I live on LeFever Avenue. He stole what I was going to say, they are advertising themselves as being an outdoor retail sales and gardening but it's not, it's a marijuana supply house. We talked about their trucks coming up and down our streets, well they are still coming. More importantly than that it's the customers that they get they are buying the stuff to grow marijuana and to smoke marijuana and then they get in their cars and they zoom back and forth on our streets. We've got a very active church right next door to them, we've got children on our first block from little babies to toddlers to teenagers, they play out there, they play on the streets with all this traffic they are taking their own lives in their hands.

These people want to expand, I don't even think they should be there, but if you allow them to encroach on the residential neighborhood and allow them to encroach on the church right next door to them that's just not right. Please see our side of the story, please help us, please don't allow them to do what they want to do.

Ms. Lori Harris – Hi, Lori Harris. I wanted to comment on the fact that if there was a way to suspend the rules and have this happen today why didn't you do it. Why did it not happen today is this something that has to happen before you come in--

Vice Chair Boniecki – Lori that can be brought up at public hearing--

Ms. Lori Harris – No, that is about this. How long has this been going on and he was already here, you already postponed the last time so he could be here on a 1<sup>st</sup> or 3<sup>rd</sup> Monday, you gave him what he wanted and he came back and didn't really have to turn around and leave if there was some way that you could do that.

I want to also remind you that this business doesn't have permission to store all the supplies outside and still does. At the last meeting we didn't get to get up and speak, I did notice that the semi-truck cab was gone the last through the neighborhood, but I think it's a lot more indicative of the problems that they are having and you're having to not just get this heard and taken care of. It's really not fair to the neighbors and I think the threat is if we just keep postponing they are going to get tired of coming and tired of complaining and we are going to get our way.

So I would encourage you, if there are other ways because I'm not sure because in the summer you're going to have more than this number of people here and if there's no replacement to the previous Chair. I don't know how you can go on, I don't know what the process is. Hopefully you guys will figure that out, thank you.

Ms. Nicki Becker – Hello, my name is Nicki Becker and I live on Cunningham. I wanted to just bring forth that I pay property taxes in the City of Warren on Cunningham, and I looked up the business that this person has and the property taxes that he pays are not much more than what I pay for my house. He's a business, I'm a residential person and he pays almost what I do and that's for the one place I believe there's three addresses and I'm not sure what all of them add up to. I can't understand why his desire for this business is more important than all the people in my neighborhood that don't want this. We are not the only ones that don't want this the neighborhood has been canvassed and there's many people that don't want this but they are afraid to come forward or they are like I'm just one person, what can I do. The thing is we are numbers, and we are the numbers that are speaking up for the rest of the neighbors we do not want this.

Just last week the same car was seen at this store four times in one hour. I know I've had to go to Meijer more than once on occasion but four times in this little grow business. They have the whole building, they've taken down all the paper on the windows, what's to stop them from applying next year to be a grow facility, what's going to happen to our houses then. There are rules about grow facilities, will those be enforced. I think this should be enforced because this is a business, these are homes and they are encroaching on them. The lawn is outrageous, they want that as a parking lot but they are not maintaining it so what do they need that parking lot for. The parking lot they currently have they are not even using, there's not that much business.

We are worried about what they are bringing here and what they are going to keep asking for down the road, do they want the whole street of Cunningham is that their intent. How far is it allowed that they can take over as a business in a residential area there's laws protecting the residential people and right now we're not seeing that happening. Thank you.

MOTION:

A motion was made by Commissioner Tutt to postpone until June 26<sup>th</sup>, 2023, supported by Commissioner Robinson.

ROLL CALL:

The motion carried as follows:

- Commissioner Robinson..... Yes
- Commissioner Tutt..... Yes
- Commissioner Ansar..... Yes
- Assistant Secretary Mouri..... Yes
- Secretary Smith..... Yes
- Vice Chair Boniecki..... Yes

- B. SITE PLAN FOR BUILDING ADDITION FOR MAJOR AUTO REPAIR SHOP AND NEW PARKING LOT: Located on the north side of Ten Mile Road, approximately 395.41 ft. east of Thomas Drive; 3619 Ten Mile Road; Section 19; Lukas Koja/Chester Stempien Associates (Unique Design Service/Ron Yaldo); PSP230008. **Postponed from May 22<sup>nd</sup>, 2023.**

Vice Chair Boniecki – We currently do not have a nine member board, you have the right to be heard by a nine member Planning Commission. At this time you can move forward but you'll need to indicate if you will accept the decision of this current Planning Commission or you can request that this item be postponed until the next scheduled Planning Commission Meeting.

Mr. Ron Yaldo – I accept the decision of the Planning Department of the City of Warren.

PETITIONERS PORTION:

Mr. Ron Yaldo – The project is located at 3619 E. Ten Mile Road. It's an existing building that needs to be renovated to a mechanic shop. A major auto shop working through that building by redesigning the site plan to have the compliances with the parking

structure and landscape area. I'm working towards getting the permits from the Macomb County Road Commission for right of way to increase the size of the entrance and exit to the property. I've already contacted Macomb County Public Works for the soil erosion. The other stuff that the Planning Department addresses, I addressed half of them and hopefully meeting this week with them to address the rest of it.

Secretary Smith reads the following correspondence:

**TAXES:** Current.

**ENGINEERING:** Preliminary review of this site indicates that Planning Commission approval should be contingent upon the petitioner's compliance with the following conditions

1. Site plan shall show and identify the location of all existing and proposed underground utilities including their sizes, connections and discharge point in the vicinity of the project.
2. Any construction within the 10 Mile Road right of way shall require a permit from the Macomb County Road Department.
3. Soil erosion and sedimentation control permit/waiver shall be required from the Macomb County Department of Public Works.
4. Show the location of the trash pad. Dumpster pad shall be minimum 8" concrete.

**COMCAST:** No conflicts.

**DTE:** No Objections.

**FIRE:** Approves.

**AT&T:** We don't have any objection to this site plan, and we don't expect to have any conflicts. Please provide the petitioner with the engineering information, should any conflicts arise during construction. Wire center engineer Courtney dunford [cd0196@att.com](mailto:cd0196@att.com).

**MCDR:** No Objection.

**MCPW:** Please be advised that this letter is for comment on right of way and drain easements only. It appears there will be no work within a county drain or easement, therefore this office would have no objection to the proposed building addition and parking lot.

However, prior to a site plan approval, any project that impacts a county drain shall apply the Macomb County Public Works office design standards. Please note that a formal plan review and approval by the Engineering and Soil Erosion Departments from this office will be required prior to construction.

Secretary Smith – There's a letter I need to read from Mr. L. Adrian Allen.

I am Lee Adrian Allen and my business is Michigan Shelf Distributors. Our work address is 3461 E. 10 Mile Road.

In our complex we have a body shop next to us, three repair shops immediately behind us, a repair shop across the street, and another repair shop less than one block away going towards Ryan Road.

Additionally in our complex we have a couple dozen cars in the back that take up space in our parking lot that are used for car parts. We do not have parking spaces for our own customers, let alone all the customers who come to this complex for auto repair now.

1. Our complex is saturated with auto repair shops and cars left all over for car parts. There are more than enough auto repair shops to assist the public and we do not need one more auto repair shop in this area.
2. By adding one more auto repair shop, this will put a hardship on the five (5) auto repair and body shops in the immediate area by over saturation of the auto repair/body shop market in this one complex and all the extra cars, left in the parking lot just to use for auto parts.
3. The new auto repair shop will make this complex look like a junk yard which is a negative impression for our customers and there is no room for our customers to park in the back even now.

In conclusion, I do not approve of one more auto shop in this specific complex. Please come and look at our complex and see for yourself.

Sincerely,

L. Adrian Allen  
Michigan Shelf Distributors, President.

Mr. Ron Wuerth reads the recommendation of the Staff:

MOTION:

A motion was made by Commissioner Robinson to approve, supported by Assistant Secretary Mouri.

COMMISSIONERS PORTION:

Mary Clark CER-6819  
June 12<sup>th</sup>, 2023

Commissioner Robinson – Mr. Wuerth did you receive a report from the Zoning Inspector David about the court order, did your office receive a report?

Mr. Ron Wuerth – We didn't, we asked for that but we did not receive anything from David about that he didn't have a report to give us at this time about the results of going to court.

Commissioner Robinson – Shouldn't that be forthcoming soon, we are taking a vote on this now and it was critical that we have that report in place.

Mr. Ron Wuerth – I did have a discussion with him, he said that improvements have been made. Some of the vehicles that shouldn't be there are gone so the site has improved. To have a black and white report from him, I did not get that. It's not something that we often get, that happened prior to the meeting, and it was part of the information that you've received that occurred but is it a requirement to have that document here, no, it isn't. If you want to make it that than you can.

Commissioner Robinson – So in other words we want to move on just taking your word that he said that the site has been improved, but we don't know to what degree.

Mr. Ron Wuerth – He didn't define that.

Commissioner Robinson – I think that's an issue. He was going to move forward with a court order, and I think we need to know exactly what improvements were made.

Mr. Ron Wuerth – My impression was that there wasn't going to be a court order to stop him from anything going forward. I don't have anything in front of me. I didn't realize that you or the Board would need that to make a decision. If you do then you will have to postpone it to another meeting.

Commissioner Robinson – Well the petitioner did circulate some pictures here and it looks pretty cleaned up as far as I can see. So I guess I'll support it in hopes that things are in order.

Mr. Ron Wuerth – One thing I can do is check with him or his supervisor if there's something wrong with the site that you need to

know about, I'll report that before the 72-hour time period to the Chair and we'll go from there.

Commissioner Robinson – Thank you.

Secretary Smith – We've got some reports in our findings here that says the Zoning Inspector came out on the 30<sup>th</sup> to inspect the site and the site was not cleaned up. He indicated a court order would most likely issue the next couple days to clean up the site. He was out before then and the site wasn't cleaned up. I went by there today and there was still cars there, parts there, there was still stuff stacked up on the side of the building so I'm not seeing where any progress has been made as far as cleaning up the area.

Mr. Ron Yaldo – I'm going to assure you that this case will not proceed to the building department unless these things are improved to the site and won't have any problem. Like Mr. Ron mentioned he will have a 72 hour period to make sure everything is in order.

Secretary Smith – So 72 hours from today's date you'll have it straightened out?

Mr. Ron Yaldo – Yes, unless you become generous and give me until Monday.

Secretary Smith – The other question I have is, from the one letter we got and correspondence about the other collision and auto repair shops right next door.

Mr. Ron Yaldo – Yes that's the reason I want to comment about this letter. The new layout for the site plan will help isolate all the vehicles that belong to that property and won't be anything surrounding to the other properties past that property line or the landscape. So basically, whatever happens in that business will be in that particular property. Even with the new design the other entrance, the person who sent the letter mentioned the junk cars, with the new redesign of this building will help have the privacy for this property and their vehicle.

Secretary Smith – I saw in the drawing where you're closing off the one side of the driveway which is what goes to their property?

Mr. Ron Yaldo – Yes.

Secretary Smith – So the new driveway will come around and go to your place?

Mr. Ron Yaldo – Right, the entrance and the exit will be only through Ten Mile.

Secretary Smith – I saw that on the drawing. Do you think your business is going to have a lot of competition with the other businesses being it's the same type of business?

Mr. Ron Yaldo – I don't think so because we are doing tire shop, mechanic shop not much of collision like they have.

Secretary Smith – Thank you, sir.

Assistant Secretary Mouri – I'd also like to mention the cash bond changing from the performance bond of \$3600.00 if we can add that to the motion.

Vice Chair Boniecki – We have a motion by Commissioner Robinson, supported by Assistant Secretary Mouri and we are adding a cash bond of \$3600.00.

ROLL CALL:

The motion carried as follows:

Commissioner Robinson..... Yes

Commissioner Tutt..... Yes

Commissioner Ansar..... Yes

Assistant Secretary Mouri..... Yes

Secretary Smith..... Yes

With the cash bond and with the addition of getting the place cleaned up within 72 hours.

Vice Chair Boniecki..... Yes

- C. SITE PLAN FOR BUILDING ADDITION AND RELOCATION OF EXISTING FUEL CANOPY: Located on the east side of Dequindre Road; approximately 699 ft. south of Fourteen Mile Road; 32600 Dequindre Road; Section 6; Penske Truck Leasing Co./Mike Barnes (Justin Muller). PSP230017.

Vice Chair Boniecki – We don't currently have a nine member Board and you have the right to be heard by nine members. At this point

you can move forward with the current Board and accept their vote or you can ask to postpone to the next meeting.

Ms. Mackenzy Shega-Fox – Yes I'll accept.

**PETITIONERS PORTION:**

Ms. Mackenzy Shega-Fox – The site plan for this project will consist of a building addition for 2 truck bays and the relocation of the fuel facility on the site, it is located south of Fourteen Mile and east of Dequindre Road.

Secretary Smith reads the following correspondence:

**TAXES:** Current.

**ENGINEERING:** Preliminary review of this site indicates that Planning Commission approval should be contingent upon the petitioner's compliance with the following conditions.

1. The Engineering Division has no comments on the proposed building addition and relocation of the fuel canopy.
2. Variance shall be required for the outdoor storage on site.
3. Variance shall be required for the gravel parking on site.

**FIRE:** Approves.

**COMCAST:** We have no facilities and no conflicts with this project.

**DTE:** No Objections.

Mr. Ron Wuerth reads the recommendation of the Staff:"

**MOTION:**

A motion was made by Secretary Smith to approve, supported by Commissioner Ansar.

**COMMISSIONERS PORTION:**

Secretary Smith – Good evening, I noticed when I was by there today on the back side of the fuel sale there's like a couple caps on the ground, I think those are where they fill the tanks or something, it looked like it was new, but I don't know what it was for.

Ms. Mackenzy Shega-Fox – I'm not sure, I can ask the other Civil Engineer on the project and get back to you.

Secretary Smith – When they remove the fuel area are they going to pull the tanks up from underneath the ground when they install the new one on the other side?

Ms. Mackenzy Shega-Fox – I will also have to verify that with the other Civil Engineer working on this project with Justin.

Secretary Smith – I noticed they had some trucks parked on the other side where the proposed new fuel service is going to be, if they are going to have it over there they will probably have to have tanks on the ground there too. The other question I have is for Mr. Wuerth, I was looking at our findings and it said we are holding a \$3000.00 cash bond for site improvements for previous work, is that included in this or addition to?

Mr. Ron Wuerth – What page of the findings is that listed on?

Secretary Smith – Page two, note Planning Commission currently retains a performance cash bond in the amount of \$3000.00 dollars as guaranteed for site improvements, that was after November 28<sup>th</sup>, 2016.

Mr. Ron Wuerth – That’s correct, and we still retain it.

Secretary Smith – Is that in addition to the new bond?

Mr. Ron Wuerth – Yes, that’s already there, the new bond is in addition to this bond the first one still applies at this point. We looked at that a little bit we may in the end release that one because I think they completed things, you may end up seeing this one for release on the next meeting.

Secretary Smith – Thank you sir.

**ROLL CALL:**

The motion carried as follows:

Commissioner Robinson.....	Yes
Commissioner Tutt.....	Yes
Commissioner Ansar.....	Yes
Assistant Secretary Mouri.....	Yes
Secretary Smith.....	Yes
Vice Chair Boniecki.....	Yes

- D. SITE PLAN FOR BUILDING SITE ADDITION TO EXISTING MOSQUE: Located on the west side of Schoenherr Road; approximately 1,575 ft. north of Eleven Mile Road; 27643 & 27721

Scoenherr Road Section 14; Sejad Melkic/Masjid Al-Furqaan (Mirsad Zecevic). PSP230013.

Vice Chair Boniecki – We currently do not have the nine required members at this point you can move forward with the current members we have here accepting the vote or request it be postponed to the next meeting.

Mr. Sejad Melkic – No, we are going to go ahead.

PETITIONERS PORTION:

Mr. Sejad Melkic – So we purchased an existing building that is about 300 feet away from the current one or less, I'm not sure of the exact distance. It's a twofold one for the safety of the incoming cars the only day when the Mosque is typically on a Friday, something I told you eight years ago when we were opening the place. That's typical for most of the religious places, it's once a week that it gets really busy. So purchasing this was primarily also to help on the Friday prayer to have the extra parking space, people can park at this building and walk over to the Mosque. That helps a lot with having any issues with people parking the wrong way or whatnot because it's busy on Schoneherr Road.

Additionally, this building we were trying to acquire it as an accessory building and we were told it had to be filed as an extension to the Mosque. Truly what we are using it for going forward is we have Sunday school we have about 50 children so acquiring that building in addition to having the parking space that I explained also it's very sufficient for our small community and having small classrooms inside where we can provide religious teaching on Sundays. So we are just acquiring it as an existing building, I think all the inspections inside have passed.

Over the last eight years that we've been there I'm sure you've noticed we've really updated that area. I do have some questions about some of the items that are recommended here I'd like to ask Mr. Ron about. In short that is the use for the building, it's really once a week when it's primarily used on Sunday. Perhaps, if another day is added for maybe a class or something but I think Sunday with about 50 kids will be the most use, which currently has been for the last five or six years done in the Mosque. It's just the kids sitting on the floor inside the Mosque it's kind of hard to teach and learn so this makes it much more comfortable for them to have a classroom it's a win win for the community as well.

Secretary Smith reads the following correspondence:

**TAXES:** Current.

**ENGINEERING:** Preliminary review yielded no comments.

**FIRE:** Approved.

**COMCAST:** We have no facilities and no conflicts with this project.

**DTE:** No objection.

Mr. Ron Wuerth reads the recommendation of the Staff:

PUBLIC HEARING:

Mr. Dave Koury – Good evening, I have a couple questions and concerns. First off you can't hear out here you need to turn the mics up, at least I can't hear I'm not sure about anybody else. Another concern I have is on the notification. I have to question whether this item was notified properly because I received an empty envelope and speaking with a number of my neighbors, they also received empty envelopes. I phoned the Planning Commission that's how I found out that this was on the agenda, so I question whether this was properly noticed.

Another question are there any existing variances on this particular parcel. The use of the building was going to be for Sunday school and I don't have a problem with that but is it zoned properly for that use. I'm confused as to why this needed a site plan approval is it because of the off site parking for the Mosque it's not stated on the agenda or the notification. I'd like to know why it even needs a site plan approval. Thanks.

MOTION:

A motion was made by Secretary Smith to approve, supported by Assistant Secretary Mouri.

COMMISSIONERS PORTION:

Secretary Smith – Good evening sir, sorry if I couldn't pronounce your name I kind of fumbled through that and I feel bad. I notice they mentioned in the recommendations about a dumpster, now there is a pad that you can see in the corner of the driveway that they had a pad for a dumpster but there wasn't a dumpster enclosure there. How much trash do you think you're going to generate at that facility, and if it's not that much trash it's a possibility that you can keep it inside and then remove it and not have a trash

dumpster. If you're going to generate a certain portion of trash every week you may have to do the dumpster enclosure in the back?

Mr. Sejad Melkic – We had to invest a lot into the current Mosque parking lot, there was a \$50,000.00 dollar wall that we had to raise all around the parking space plus the enclosure. That dumpster that we have right now is really empty with all the stuff that we have going on at the Mosque, once in awhile it gets full. So we were going to ask is it possible to not have us do this right now because that's a high cost for a small community. Once it gets approved and goes through, we are using it once a week basically, it's a very small community, we are not high traffic. We've shown nothing but class since we've been there, we are very high on cleanliness and keeping our parking space and the lawn taken care of and that our members are very active in cleaning up. We would love to use our current dumpster that's in the Mosque since we will only be using it once a week. If there's any problems we will go any other way but I know it's a waste of resource right now for us and honestly paying off the building is not easy with a small community.

Secretary Smith – Do you think there will be a problem taking the trash to the other dumpster?

Mr. Sejad Melkic – Absolutely not, if you've ever passed by it's always kept up by our community members. We all volunteer we've never had one single complaint and we won't we don't operate like that. It's part of who we are, we clean it up and it's always been cleaned up since we've been here.

Secretary Smith – I drove by the property today and also the Mosque and looked at both and they were cleaned I was pleasantly surprised by how everything looked. That's the reason I made the comment about the dumpster, if you don't need it and you can put your trash in the other dumpster that would eliminate that cost for you.

Mr. Sejad Melkic – Absolutely and in the future if it becomes a need I'm all for the city making sure people cut their grass and upkeep their stuff. Right now it's a cost saving that we need and really there's no need because our dumpster is mostly empty.

Secretary Smith – Mr. Wuerth, do you see an issue with them putting the trash in the other dumpster?

Mr. Ron Wuerth – No not at all, the only thing that we will ask is that a note be placed on the site plan on how trash is going to be handled and that will take care of it.

Assistant Secretary Mouri – I want to echo what Secretary Smith mentioned, I stopped by the area and it looks very neat and clean I was happy too. You mentioned you have Sunday school going on, does it take place on Sunday or both Saturday and Sunday?

Mr. Sejad Melkic – It used to be Saturdays for a couple of years and then we switched to Sundays. Because we function basically voluntarily you need a lot of resources. People can't give up two or three days a week, so it's usually once a week so it's been Sunday's the last four years, I think.

Assistant Secretary Mouri – And that's currently in the current Mosque?

Mr. Sejad Melkic – Yes.

Assistant Secretary Mouri – With the new place, once everything gets approved, it's the plan to have three different classrooms. What are you thinking, it is currently separate I believe there's three different parcels in there?

Mr. Sejad Melkic – Actually no, because I requested to change it to one address and the city told us as long as two of the sections are connected, they are open in the back so you can actually enter through one to the other one. The third one, the last one to the back was not but we added the door there so now they are all connected and that allows us to have only one address instead of three. We didn't have the need to keep three addresses, it's confusing. It works well for us because if the boys have one section and there's more girls, they get two sections.

Assistant Secretary Mouri – Do both of the parking lots usually get full?

Mr. Sejad Melkic – Honestly, I'm inside the Mosque so I don't get to see but last time I ended up in the second parking lot the one we are talking about now and it wasn't completely full. We've made sure there's volunteers closing the entrance because a few times we had a problem with people, as much as you tell they come in and park anywhere they like to so we are big on telling them this is not how

we are going to represent ourselves. So we started with a chain so they can't come in and told them there's a second parking space and to please use it. It's been working really well I think that's the reason it's full because honestly there's no extra cars sitting in the way. You don't want to be in a situation where you have the fire department that has to come in and they can't get in. So for that reason I think they are both full but they are full properly not overly.

Assistant Secretary Mouri – Thank you.

Secretary Smith – You saw on the recommendations where they want arborvitae trees along the south property line, and I think that's along the back of the one condominium there to shield you from them?

Mr. Sejad Melkic – I had a question about this one, we can go with that route we did it at the Mosque and if you noticed we planted in the front area three different times and for some reason there's three spots that keep going dry on us and everywhere else in that area is fine. We can plant them, but they are not 100% so I was going to ask do we have an option to do a nice vinyl, we did a nice vinyl with the lady next to us our neighbor Barbara and she loves it and she even added her own gate, it's very nice looking. I'm going to ask is it possible for us to go with either or because we haven't looking into it yet we got this a few days ago and haven't had the time to discuss it. We have no problem doing either one, I do think it's appropriate for the neighbors to have a nice view.

Secretary Smith – Let's bring that up now with Mr. Wuerth. What are your suggestions on that?

Mr. Ron Wuerth – Who owns the fence, is it the condominium group or is that fence part of the property that you've acquired?

Mr. Sejad Melkic – I'm not certain I'm going to go on a limb and say probably us because I think our property from the Mosque we have five feet to their wall and I believe it's the same thing on this side, but I'm not certain.

Mr. Ron Wuerth – That would have a great bearing to it if the fence is owned by you then to change it to a white vinyl fence you can certainly do that as opposed to having a line of arborvitae like we suggested. If it's owned by the condominium complex then I'd

suggest you talk to them about such a thing. If they own the fence and they don't want it touched.

Mr. Sejad Melkic – (Not by the microphone and cannot hear)

Mr. Ron Wuerth – The certainty?

Secretary Smith – Can you come up to the mic sir, we can't hear you over there.

Mr. Sejad Melkic – Which department can tell us 100% where the line is, I don't want to guess.

Mr. Ron Wuerth – You gave us a survey and the survey shows where that line is ideally, so take a look at that.

Mr. Sejad Melkic – I have no problem asking either way is fine they both look nice. My concern is they are not 100% even when you buy them they tell you, you can actually return them dry that's how much they count on them going in and staying. The reason also is because there's a lot of rain and that area is low.

Mr. Ron Wuerth – So it's a low area where water congregates?

Mr. Sejad Melkic – Yes, so it might not be the best place for these I'm not certain I'll have to look at it and get back with you, we don't have a problem either way. I'm just asking do we have an option if it's our property line to go with a vinyl.

Mr. Ron Wuerth – And is said if you own that fence then the answer is you can use the vinyl.

Mr. Sejad Melkic – And I have one more question, parking strips should be painted and all that stuff that's appropriate my only questions is it says here end of sign within six months, are you talking about the sign similar to what you have?

Mr. Ron Wuerth – It's an accessible sign like the wheelchair.

Mr. Sejad Melkic – That's already up on the building in two spots?

Mr. Ron Wuerth – For both buildings?

Mr. Sejad Melkic – The Mosque building has been done.

Mr. Ron Wuerth – So the other has it been done there too?

Mr., Sejad Melkic – The two signs on the wall are up, are you talking about stripping it with the blue and yellow?

Mr. Ron Wuerth – The blue with the stripping is typical of what we do for the accessible parking area.

Mr. Sejad Melkic – Okay.

Mr. Ron Wuerth – So that would need to be done and the parking lot.

Mr. Sejad Melkic – I was just confusing the signs for the building.

Mr. Ron Wuerth – If you have signs on the building in front of that parking space then you can ignore that part of it. We are going to send you a copy of the recommendation that's revised a little bit anyway.

Mr. Sejad Melkic – I have just one last thing.

Secretary Smith – Could you guys please talk closer to the mic.

Mr. Sejad Melkic – Right now we are given six months for this to be on the safe side and to make sure we can get this done; I'm asking that we are given a little longer time. I don't want to promise six months and not get it done. Right now is the season when people travel back home and I need the manpower to do some of these things and get acquired quotes. We're all working, we all have jobs none of us sit at the building so it would really help us and based on our history with our first building I request that they give us until the end of 2024 to make sure that it's done. For us it's urgent we want to get it done so the kids can use the building. If we can have until the end of next season we can plant all these things and get it done.

Mr. Ron Wuerth – That's not a problem, so by the end of this year you're saying?

Mr. Sejad Melkic – By the end of 2024, this is 2023.

Mr. Ron Wuerth – You want a year and a half.

Mr. Sejad Melkic – I'm asking until November of 2024 if that is fair.

Secretary Smith – Is that okay with Mr. Wuerth?

Mr. Ron Wuerth – Yes, that's fine.

Mr. Sejad Melkic – One more, we have a bond with the city we did the back of the Mosque with the trees and all that stuff we never received the money back. That could be on me because I'm working in the schools and I'm busy all the time, I'm wondering if that could be transferred because that was a \$1000.00 dollar bond that we never got back and we finished that work. Again, it could be my fault because I should have been asking about it when we finished it I never followed up on it.

Mr. Ron Wuerth – Was that a cash bond also?

Mr. Sejad Melkic – I believe so, it was for the back of the parking lot by the dumpster where we had to do the greenbelt and planted trees.

Mr. Ron Wuerth – It's the same amount we could use it in that way.

Mr. Sejad Melkic – Okay so they can use the bond that they didn't receive back?

Mr. Ron Wuerth – It can continue to run with this site plan also.

Assistant Secretary Mouri – So without the trash enclosure is it still a \$1000.00 dollar bond or is it going to be \$600.00?

Mr. Ron Wuerth – It's still a \$1000.00 dollar bond, let's just make it the same.

Secretary Smith – Mr. Wuerth, we have a gentleman in the audience that said he got notice but all he got was the envelope, do you know anything about that?

Mr. Ron Wuerth – We had a malfunctioning envelope machine at work and that's what happened we had it repaired. At this point the envelopes are checked now to make sure that doesn't happen again.

Secretary Smith – Thank you.

Ms. Mary Michaels – Sir, if we are transferring the old bond to this project there may just have to be some new paperwork, it's just a matter of administratively handling it so it secures this project, I just want you to be aware of that.

Mr. Sejad Melkic – No problem.

Mr. Ron Wuerth – The citizen out here does have a point about the notice and some people didn't get noticed because of the malfunction of a machine, could this be postponed, and new notices sent out in this case, that's the question I'm speaking for him, he certainly can speak for himself if he wants to.

Secretary Smith – Well I think if there were other people that wanted to possibly come they couldn't come because they didn't get the notice I think it would be right to renotice them too.

Mr. Dave Koury – We are not here to try and hold it up for a couple of weeks to get renoticed, I'm trying to make a point and thank you Secretary Smith for bringing it up. This subject of the notification should have been brought up right away because if it's not properly noticed you can't go through with the procedure it's in the zoning enabling act, must be noticed, but we are not here to hold it up. These people are very nice I go by their Mosque multiple times a day there's no problem. It's been a decade since I sat up there and we discussed everything, there should have been some discussion on this.

Secretary Smith – There's a motion from Secretary Smith to approve, support by Assistant Secretary Mouri.

ROLL CALL:

The motion carried as follows:

Commissioner Robinson..... Yes

I do feel that the neighboring residents should have been notified, I have no objection just the notification process. I'm hesitant to hold up the project because of this, Ms. Attorney is there protocol involved?

Ms. Mary Michaels – There's do process the procedure is the public would have to be notified.

Mr. Ron Wuerth – Excuse me, I agree with Ms. Michaels, this really should be postponed and have proper notice for the people that’s my suggestion.

MOTION:

A motion was made by Secretary Smith to postpone until June 26, 2023, supported by Assistant Secretary Mouri.

Mr. Sejad Melkic – I’m in total support of this because I believe there was some kind of a malfunction because we received multiple envelopes with the same message and some envelopes had multiple same copies of the notice. If we are going to postpone this can the discussion be updated so we don’t have to redo this whole thing again or do I have to go through this again with all the points?

Vice Chair Boniecki – Mr. Wuerth will the updates be updated by the next postponement?

Mr. Ron Wuerth – Yes it will, we will have it updated and get it to you. If your Architect is ready to with the changes you can have that done for the next time you come up.

Mr. Sejad Melkic – I just want to make sure that the details we discussed are in there like the bond and the extended time.

Mr. Ron Wuerth – No we will do all those things.

ROLL CALL:

The motion carried as follows:

Commissioner Robinson.....	Yes
Commissioner Tutt.....	Yes
Commissioner Ansar.....	Yes
Assistant Secretary Mouri.....	Yes
Secretary Smith.....	Yes
Vice Chair Boniecki.....	Yes

- E. SITE PLAN FOR ADDITIONAL DRIVE THRU: Located on the east side of Van Dyke Avenue; approximately 1,013.6 ft. south of Martin Road; 27480 Van Dyke Avenue; Section 15; McDonald’s Corporation/Joseph Minorik (Jeff Brinks). PSP230016.

Mr. Jeff Brinks – Good evening and yes, I will accept the decision of the current Board this evening, so you don’t have to say all again.

PETITIONERS PORTION:

Mr. Jeff Brinks – I'm with Venture Engineering representing McDonalds. About a year ago we were in front of you with another restaurant doing a similar construction project where they are adding an additional drive-thru order point. On this particular site at the suggestion and based on the comments received from the previous location taken the opportunity to give the facilities a little bit of a pavement diet removing parking spaces that are unnecessary and adding some additional greenspace along with the drive-thru lane. We are in receipt of the Staff comments and have certainly no objections, in fact some of them are great suggestions that we should have seen in the first place, and certainly be happy to answer any questions that you have. Thank you.

Secretary Smith reads the recommendation of the Staff:

**TAXES:** Current.

**FIRE:** Approves.

**COMCAST:** We have no facilities and no conflicts with this project.

**DTE:** No Objections.

**MDOT:** Site plan doesn't appear to have work in MDOT right-of-way. Any work (water main tap, sanitary sewer tap, drainage or driveway modifications) in MDOT right of way or changes to the drainage system that may impact MDOT's storm water system, will require a permit.

Secretary Smith – We also have a comment from a resident in the area. They've written in script so I'll try and read it the best I can.

Adding additional drive-thru lane would lower our property values. Section 21-24 excessive noise ordinance it shall be unlawful for any person within any residential area of the city or any public street to make any excessive noise between the hours of 10:00 p.m., and 8:00 a.m., which disturbs the quiet and peace of the persons.

Speakers must be turned away from Lexington Townhouse residents' pre-recorded messages. Not enough room for two lanes especially in the winter when turning corners, also on a slope uneven.

Emerald, green arborvitae trees, maximum height of 10-15 feet. It's one of the best plants to cancel out unwanted noise. Arborvitae face

a variety of challenges with pests and disease. Pest problems include bagworms, scales, leaf mites and spider mites.

Potentially open 24 hours a day 7 days a week with excessive noise there will be no relief for residents from this speaker noise.

Secretary Smith – Then it's got the signatures of the different residents on the back, there are 9 residents I can't read all their names so I'm not going to try.

Mr. Ron Wuerth reads the recommendations of the Staff:

PUBLIC HEARING:

Mr. Eddie Kabacinski – I've been canvassing in this area for the new District 5 that is in this area. I did speak to the residents there they actually brought it to my attention when they got notice of this here and that's how you go the correspondence, so I am aware of the residents that wrote to you about this.

The updated drive-thru now have these long vertical LED panels, it's like a bright tv and this is really bright at night, so this is going to be facing right into their homes where they live at. The speaker noise is excessive it's really loud, it's not only loud from the speaker from the drive-thru but it's loud from the vehicles that are going in there late at night. The big booming noise of people in the drive-thru and sometimes you can't even hear the order being taken because of the loud music coming from people's vehicles. This is right up where the wall is right where people live at, at that Lexington complex. You can hear it at night, I was out there, you can hear it right now with the one drive-thru, especially on a Friday, Saturday night it is really loud and if you're trying to get up to go to church on Sunday you're not going to get much sleep on Saturday night. It is excessive right now with one lane imagine what it's going to be like with two lanes. The brightness of the LED panel and then the noise from the drive-thru and the excessive noise from the vehicles.

I understand that the vehicle noise would be a police matter, but the management of the restaurant has some responsibility too for the conduct of their guests. Not much is being done about it because employees don't want to go out there and confront somebody about lowering their volume on the vehicle radio they don't want to deal with it. So to wait for police to go out there and handle the situation on a Friday and Saturday night on a noise complaint they've got other calls to handle, so this is what the residents are dealing with

right now with one drive-thru imagine what it's going to be like with two.

Ms. Lori Harris – I was going to speak after Tony I'm not sure exactly what happened but I will speak on behalf of Tony. Tony Baker if you don't know is fighting really hard with the city on making the city accessible. Tony needs accessible parking and accessibility to buildings and he is one of 27,000 Warren residents that are disabled or need accommodations. Accessible parking spaces must be located on the shortest accessible route to the accessible entrance. According to the picture that I have, and I apologize I don't know how to read this, the spaces to the southwest side of the restaurant there are two accessible spaces and access isle. The access isle is in the wrong place it has to be between the two spaces not at the end of one space. In trying to understand what Mr. Wuerth said about where the other spaces are going to I'm not sure if he meant they were going to go on the other side of the building to get, I'm sorry I'm looking for Tony's note. He says the other two spaces are ADA compliant so in terms of parking the picture that I have that he took has the third accessible spot on the southwest corner across the parking lot from the two that are next to the building, so I'm not sure if Mr. Wuerth can clear that up.

This is a big deal and when something is being redone just like with any buildings that come before you and any site plans that come before we need to really work at making sure that they are very clear on the appropriate ADA guidelines and accessibility. Thank you.

Mr. Tony Baker – Mr. Wuerth spoke about moving the parking spot that over in the corner on the south end of the parking lot closer to the door, but the other two across the isle have an access isle it's supposed to be between the two parking spaces and it's not. What blows me away is that this Commission is moving that parking spot closer to the door that's over in the corner, but they just let Randazzo's leave the parking spaces at the back of the building, I don't get it that's my comment.

MOTION:

A motion was made by Secretary Smith to deny with discussion, supported by Assistant Secretary Mouri.

COMMISSIONERS PORTION:

Secretary Smith – Good evening sir, I went by the McDonalds today I live by the new one that we approved a few months ago at Nine

and Van Dyke, I see how that one is laid out it's very nice. The one you're at now on Van Dyke is going to be too restrictive. It's got that wall between the condo's and the McDonalds and by the time you put in the second drive-thru lane the escape lane is going to be right up closer to that wall. I don't think any trees along that wall are going to stop the sound from the noise from bouncing off that wall. Another thing, the turning radius I think is too restricted there because somebody has already hit the brick trash enclosure and busted up the corner so if you're going to put another lane in there that leave more of an issue also. So I think for the two lanes at this point and time you don't have enough room to do that, now the one on Nine and Van Dyke that they redid there's plenty of room with open space on each side so therefore you're not having the sound bounce off of anything that's close by. The signs are big with the illumination and you have the windows of the apartment right there, so that's the reason why I think it's not a good idea. I sat in the parking lot with my drawing for awhile looking at it watching the traffic come through the one drive-thru lane and then I went down by the one at Nine and Van Dyke and saw the difference and it's even wider at Nine and Van Dyke and you don't have that kind of space to do that there.

Mr. Jeff Brinks – I guess I would respectfully disagree. I think the isle widths and turning radius we have eliminated quite a number of parking spaces. We have a 20 foot wide isle going around the back there, which obviously if there were issues with regard to isle widths, radius, and access through there it would not meet city requirements, which the staff didn't mention any concerns with as far as that is other than the driveway which we are happy to make some modifications to and coordinate with MDOT. With removing the parking spaces there's going to be a lot less congestion just cars circling the building not cars going in and out of parking spaces. We think ultimately the traffic is going to flow better back there.

With regard to the noise we certainly will address the comments with staff in terms of the plantings and we can certainly provide information concerning sound and noise levels. Those are things that can be adjusted and if there are complaints and issues with brightness and volume those are one size so they can certainly be adjusted and McDonald's is certainly happy to work with the city on that.

Secretary Smith – I was just sharing my concerns.

Assistant Secretary Mouri – Correct me if I’m wrong, you guys were a 24 hour operation before?

Mr. Jeff Brinks – I’m not certain, I do know that the ownership on this particular location has changed recently because the previous owner passed away so I’m not sure exactly how the new owner is going to be operating.

Assistant Secretary Mouri – I think I did have a family member work there, I think prior to Covid you guys were so you’re probably not aware. Do you see less people coming inside verses going through drive-thru now?

Mr. Jeff Brinks – McDonald’s even without Covid McDonald’s does close to 80% of their business thru the drive-thru and that’s just the nature of McDonalds everywhere. So they are finding fewer people are using the lobbies. The folks that are coming in are generally doing like they do at Starbuck’s you preorder come in and pick it up and it’s ready in a kiosk for you when you get there. Some people are bypassing the whole drive-thru thing and electing to come in and pick it up. As far as drive-thru use it’s high everywhere with McDonalds.

Vice Chair Boniecki – We currently have a motion by Secretary Smith, supported by Assistant Secretary Mouri to deny.

Ms. Mary Michaels – I just want to caution or advise the Commission when there’s a vote to deny, make sure it’s supported with facts and state the reason why it does not meet the standards of the zoning ordinance 22.14 which was distributed last week. A proposed use is capable with the adjacent uses of land. The proposed use is capable with adjacent uses of land that may be located outside the city. The proposed use is in compliance with the standards of this ordinance and the conditions imposed they’re under. The proposed use is capable with the natural environment. The proposed use is capable with the capacities of the public services and facilities affected by the proposed use. The proposed use is consistent with the public health, safety and welfare.

Mr. Ron Wuerth – Madame Chair if I could also add some thoughts to this. I’m concerned about a denial but I always work with the Planning Commission and go with whatever their decisions are. In this case if an improvement is made like the petitioner would like to make then that situation remains the same. That situation at this

point has a line of parking that's right up against that wall at this time. You can have, I'm not sure how many maybe 13 people on a Saturday night if they all want to park back there and talk and do what they want to do they can do that right now. With this plan they won't be able to do that.

I've thought about the issue of noise, I've thought about the issue even with Councilman's view of the board and how bright that can be at night. If the wall is raised perhaps two feet to an eight foot wall, of course, that would be a variance in this town for the petitioner to do so that certainly I think would help that situation immensely. When I said that the arborvitae would help stop the noise, well you know what I don't think that's true but the view of it certainly improves when you do have the arborvitae and they grow taller than the wall.

I have not even discussed this with the petitioner and maybe it's something that can be discussed at a future meeting, perhaps this should be postponed for more discussion that might be an options. I wanted to give you those thoughts because things are going to remain the same and I'm not so sure that's better than what is proposed or maybe a wall being raised.

Vice Chair Boniecki – We currently have a motion to deny by Secretary Smith supported by Assistant Secretary Mouri. You both heard the comments do you wish to stay with the same motion or do you wish to make a change?

Secretary Smith – I understand what you're saying about eliminating the parking spaces in the back and raising the wall a little bit to help with the light and the noise, but I still think the noise is going to be a problem. Even though the construction of it is meeting the standards to me compared to the other drive-thru it's a tight area. Someone's already hit the corner of the trash enclosure so if you're going to make it wider for the cars it's going to put it closer and that's what my concerns are there.

Mr. Ron Wuerth – May I respond to those two things?

Secretary Smith – Sure.

Mr. Ron Wuerth – So if you want to deal with facts we can count how many people per day make that turn and don't hit that trash enclosure, one person in probably the last 40 years has done that. Then the other part about the noise, the city has the ability to

measure the noise at the property line that's what they do, that's what the zoning section of the Building Division can do upon complaints or from anywhere for that matter. That could be measured now it could be measured a year from now after the improvements have been made and if the noise is too high then they have to take solid measures as it was said in the recommendation to reduce the noise to that point where it isn't that audible or that meets the standards at the property line, that's a factual thing, those are two things that I think are factual.

Secretary Smith – If that's the fact what I would like to do then is change my vote to postpone this to give the city a chance to come out and take those reading of what the noise is at different times of the day and weekends to get a written statement saying that the noise levels are in compliance and not just taking it on hearsay. My concern is the closeness' to the wall because the wall isn't moving, it's not absorbing any noise. I would postpone this to have them come out and take those measurements that need to be taken in order to figure out what we have to do. If they can't do what we need to do to cut down on the noise, then it's not going to work. So instead of going through everything and approving it and then it still doesn't work, if there's things that they can do to check those measurements for noise and lighting they can postpone this until they come back with the results and then we can make a decision at that point and time.

Mr. Ron Wuerth – Thank you.

Vice Chair Boniecki – We have a change in the motion by Secretary Smith to postpone, Assistant Secretary Mouri do you change your vote also?

Assistant Secretary Mouri – Yes.

Vice Chair Boniecki – How much time should we postpone this in order to the reports back?

Mr. Ron Wuerth – Postpone to July 24<sup>th</sup>, 2023.

**ROLL CALL:**

The motion carried as follows:

Commissioner Robinson..... Yes  
Commissioner Tutt..... Yes

Mary Clark CER-6819  
June 12<sup>th</sup>, 2023

Commissioner Ansar..... Yes  
 Assistant Secretary Mouri..... Yes  
 Secretary Smith..... Yes  
 Vice Chair Boniecki..... Yes

7. CORRESPONDENCE:

- A. SITE PLAN FOR NEW MARKAZ ALTAQWA MOSQUE BUILDING AND PARKING LOT ADDITIONS: Located on the northeast corner of Ryan Road and Marr Avenue; 25720-25710-25730 Ryan Road; Section 20; Markaz Altaqwa/Mohammad Haque (Hisham Turk); PSP230014. **Petitioner denial letter. Denied by the Planning Commissioner on May 22<sup>nd</sup>, 2023.**

MOTION:

A motion was made by Commissioner Robinson to receive and file, supported by Commissioner Ansar.

ROLL CALL:

The motion carried as follows:

Commissioner Robinson..... Yes  
 Commissioner Tutt..... Yes  
 Commissioner Ansar..... Yes  
 Assistant Secretary Mouri..... Yes  
 Secretary Smith..... Yes  
 Vice Chair Boniecki..... Yes

- B. FOIA Request from the Council on American Islamic Relations Michigan; Request for Planning records related to the application and denial of proposed new Markaz Altaqwa Mosque, 25720-25710-25730 Ryan Road; Request for all Planning applications for the approval of a religious place of worship. Request for all Planning applications and related communications for the period between January 1, 2022, through the date of fulfilling this request.

MOTION:

A motion was made by Commissioner Ansar to receive & file, supported by Commissioner Robinson.

ROLL CALL:

The motion carried as follows:

Mary Clark CER-6819  
 June 12<sup>th</sup>, 2023

Commissioner Robinson..... Yes  
 Commissioner Tutt..... Yes  
 Commissioner Ansar..... Yes  
 Assistant Secretary Mouri..... Yes  
 Secretary Smith..... Yes  
 Vice Chair Boniecki..... Yes

8. OLD BUSINESS:

- A. SITE PLAN FOR OPEN STORAGE EXPANSION: Located on the west side of Mound Road; approximately 916 ft. north of Eleven Mile Road; Section 17; 27365 Mound Road; Glenn Neuner (Matt Neuner). **Approved on July 13, 2020. First extension approved to July 13, 2023. Petitioner requests second extension to July 13, 2024.**

PETITIONERS PORTION:

Mr. Matt Neuner – Good evening, Matt Neuner from Neuner Automotive Recyclers 27365 Mound Road. We are here today to request a reconsideration of the application in regard to our extension for our open storage expansion. The site plan was originally approved, it was started in 2020 I should say, it's supposed to expire July 13<sup>th</sup> as you can see. We are asking for additional time, I had originally asked for a year thinking it was required to have that year timeframe but we are open to change that if it's six months we'd be fine too.

Basically the holdup was from the Macomb County Public Works Department and the final stages for the Planning Department one of the requirements was to obtain the approval to do this expansion over the Bear Creek Drain. After numerous emails in approximately eight months the Macomb County Public Works finally reached out and stated that they did not have any of our original documentation from 2012 when we came into facility and did our paving, sewers, and all of the stuff. We actually were able to locate our original documents, and I had to hand deliver them to the Macomb County Public Works. So that is the reason why this is not done yet. At this point I have everything ready. I can have it there tomorrow morning with the bond certificate for the \$1500.00 dollars that was originally requested. We have contractors we've been putting off unfortunately it's nothing that you guys had anything to do with it's the County that screwed up us. So we are asking for another extension even if it's six months we will take that.

Mary Clark CER-6819  
 June 12<sup>th</sup>, 2023

Mr. Ron Wuerth reads the recommendation of the Staff:  
It is recommended that the site plan extension requested to July 13, 2024 be DENIED.

The Planning Department's recommendation for denial is in correlation with the attached documents. The first document, the Inspection Report, is the complete site and building inspection of the subject property from Building Director Jim Cummins, listing in detail the numerous issues and violations with the site.

The second set of documents are letters composed by the Office of the City Clerk and sent to the petitioner, denying the issuing of a Secondhand Motor Vehicle Dealer License, a Secondhand Good Dealer License, a Junk Yard License, and the renovation of a Wrecker/Tow Service License.

Mr. Ron Wuerth – That was what was written in the letter. It is my opinion that the petitioner has until July 13<sup>th</sup>, 2023, to get their site plan in order. Correct it according to the recommendation that they received almost three years ago, they had three years to get this site plan corrected. They still have time they have a month if they get their Architect working over the weekend, they can probably get that plan set and ready to go. We'd be happy to send that off to the Building Division so that Building Division then can work with that site plan and not the 2016 site plan that they have in hand. Then their property begins to come into conformance.

I will say this, I spoke to the Director Jim Cummins this afternoon he performed another inspection out there today, this afternoon as a matter of fact, he showed me a lot of pictures that he took on his cell phone showing that these people upon these notices have worked very hard to improve their site. He has no problem with saying they're improved, but that doesn't mean that they need an extension. I can't see approving another year, it's as simple as that. If you want to deny it that gives them one month, if you want to give them six more months, an architect should be able to do it sooner but I guess that gives the architect more time to correct the plan like it should have been done along time ago and get it into the Building Division so they have something that they can work with in a proper way. So with that I'll leave it up to you.

Mr. Matt Neuner – We are under the understanding that by July 13<sup>th</sup>, 2023, when this site plan expires that they expansion project 16,000

square foot of cement has to be also completed. If that is not correct and I just need to have everything to them that's fine, then I don't need an extension. If I have to have this completed and the cement done with what I need done there's no possible way in a month I can pour that much cement and have it excavated because I still don't have a permit from the Building Department as he stated. I have the drawing, there's a copy of it from when I submitted it May 3<sup>rd</sup>, 2023, on the computer if you care to look at it. Regardless of that I can have that stuff there tomorrow, but to have the cement work done by July 13<sup>th</sup> that's impossible even with my guy on standby presuming the Building Department would give a permit. There were many violations, Jim Cummins was out today also with Cecil and did a full walkthrough. We've made huge improvements, so I just need clarification of what needs to be submitted by July 13<sup>th</sup>.

Mr. Ron Wuerth – If I can answer that question. The plans should be given to us as soon as possible. As far as that permit it will be sent tomorrow or it will be sent the next day to the Building Division. There will be a discussion between myself and the Building Director and Public Service Director regarding the issue of what you've done and how you've responded. Typically when you're issued a permit you have time to do the work. So them saying you have to do it by July 13<sup>th</sup>, I'm not so sure that was the correct thing to imply.

Mr. Matt Neuner – Thank you for that.

Vice Chair Boniecki – So we are not requesting an extension in light of the new information July 13<sup>th</sup> would be more than adequate enough time.

Mr. Matt Neuner – Correct, yes.

MOTION:

A motion was made by Secretary Smith to deny the extension, supported by Assistant Secretary Mouri.

ROLL CALL:

The motion carried as follows:

Commissioner Robinson.....	Yes
Commissioner Tutt.....	Yes
Commissioner Ansar.....	Yes
Assistant Secretary Mouri.....	Yes
Secretary Smith.....	Yes

Vice Chair Boniecki..... Yes

Secretary Smith – The reason we are denying the extension is we feel that you can get everything done by July 13<sup>th</sup>, 2023 and if you get that done there will be no need for an extension.

Mr. Matt Neuner – Correct, everything submitted to the Planning Department not the actual completion of the project.

Secretary Smith – If there's a problem at that point and time you can get with Mr. Wuerth and the Engineering Department and maybe work something out at that time. We are going to deny the extension tonight for the year because you still have some time to make the corrections.

9. BOND RELEASE:

- A. SITE PLAN FOR THREE NEW INDUSTRIAL BUILDINGS, PARKING LOT, AND LOADING DOCKS: Located on the northeast corner of Mound and Nine Mile Roads; 23500 Mound Road; Section 28; NP Mound Road Industrial LLC (Colin Vail). **Approved on November 8<sup>th</sup>, 2021. Surety bond in the amount of \$6,090,000 posted on April 20, 2022. Planning Commission approved 50% reduction of bond amount to \$3,045,000 on May 22<sup>nd</sup>, 2023. Surety bond in the amount of \$3,045,000 posted on June 6, 2023. Release the surety bond of \$6,090,000.**

Secretary Smith – Is that correct, aren't we just releasing the \$3,045,000 not the \$6,090.00, because we approved the release of half of it, at least that's what I thought we were doing.

Mr. Ron Wuerth – We will release the whole entire surety bond the \$6,090,000 and it will be replaced with another surety bond of \$3,045,000.

Secretary Smith – So what you're basically saying is the total surety bond was \$6,090,000 we will release \$3,045,000 which will leave a balance of \$3,045,000 as the surety bond.

Mr. Ron Wuerth – Yes that's 50% less.

MOTION:

A motion was made by Secretary Smith to release the bond, supported by Commissioner Robinson.

ROLL CALL:

The motion carried as follows:

Commissioner Robinson..... Yes  
 Commissioner Tutt..... Yes  
 Commissioner Ansar..... Yes  
 Assistant Secretary Mouri..... Yes  
 Secretary Smith..... Yes  
 Vice Chair Boniecki..... Yes

10. NEW BUSINESS:

Mr. Ron Wuerth - Discussion and selection of a Planning Commission representative to the RFP Review Panels for proposals for the Greenspace Conservation Plan and the Non-Motorized Transportation Plan. So it's a choice amongst yourselves who would be interested in sitting on that review Board, and ultimately I would say sitting with that group for the plan.

Assistant Secretary Mouri – How often is the meetings?

Mr. Ron Wuerth – That might end up being two or three meetings at about an hour a piece at best.

Vice Chair Boniecki – Is that for the whole year?

Mr. Ron Wuerth – No that's for the RFP itself to finalize the document to potential consultants. After that there are meeting times as an example Claudette is on the Van Dyke Corridor Plan and that meets when the consultant has something to provide us and talk about. As they get closer to finishing that plan, they are not finished with that plan yet, but they are getting there, there will be another meeting and we continue to comment on those plans until we get a good product. So, first part maybe two meetings with the RFP there might be three meetings, or five meetings they will regulate how many meetings unless the consultant needs to have more. You're paid per meeting frankly and how far you're moving along and progressing with the plan itself that they are trying to provide us.

Secretary Smith – How many representatives do you need for these meetings.

Mr. Ron Wuerth - One for the greenspace and one for the non-motorized transportation plan. There are others normally attend that from the Administration when you start to analyze the RFP.

Secretary Smith – When will these meetings take place?

Mr. Ron Wuerth – Usually during the day, like I said two to three meetings with the RFP during the day, I don't know what time during the day they choose that, that's the RFP. The Corridor Plan that's in line with the TIFA Board Meetings which are normally are once a month at about 9:00 a.m., in the morning, but we don't see the consultant could be four or five months at the time before they come in and discuss how further they are with the plan.

Assistant Secretary Mouri – I can volunteer for the Greenspace.

Commissioner Robinson – Have you notified the Mayor before he leaves office to put out an invitation of interested to Warren residents that we have some vacancies on the Planning Commission.

Secretary Smith – We are not on that item yet.

Commissioner Robinson – I'm sorry.

Secretary Smith – Do you want to represent the RFP?

Commissioner Robinson – I don't mind, I don't care.

Secretary Smith – So I'll put your name down.

Vice Chair Boniecki – And we have Assistant Secretary Mouri for the Greenspace and Non-motorized for Commissioner Robinson.

11. CITIZEN PARTICIPATION:

Mr. Dave Koury – Good evening, I have some questions about an item on the agenda 12B, when you discuss it could you give us some history on article 3B3. Is this an AG opinion, is it case law, or was it just an idea from a former Commissioner that came to fruition. I would appreciate some back history on it, thanks.

Vice Chair Boniecki – Ms. Michaels can you clarify that please.

Ms. Mary Michaels – We will be discussing it on the agenda.

Mr. Eddie Kabacinski – I just want to revisit the McDonalds issue real quick. I understand that McDonalds has an interest in their business that's fine, but here's the issue. The Council, the Mayor, the Administration we all answer to the residents the people who actually live here. I don't believe the gentleman representing McDonalds actually lives here, I don't think he lives over there in the complex where the residents live and have to deal with this every day, especially on the weekends. I think we should look at what is in the best interests of the residents, I think I read that somewhere before. We are supposed to be considering what's in the best interests of the residents. The people that actually put us in the seats you are sitting in, the ones that put the Mayor in his position, the ones that put the Council in the position they are in, the residents the ones that vote. Those are the people that we actually answer to, and then we answer to the businesses because we have to have business that is going to be there for the residents otherwise the residents won't be here because we don't have business.

So there is a symbiotic relationship but ultimately we answer to the residents. If the residents have come forward and wrote a correspondence of nine there's probably more but out of fear or intimidation or maybe they didn't get a notice either maybe they got an empty envelope, but nine brave people actually did. Whether it was in print or script they wrote to you and they conveyed what their feelings, their opinions, and what their position is on the way that McDonald's has conducted their business there. I don't buy the garbage Covid or non-Covid if you have a large order park your vehicle go inside but you know what we have these restaurants that aren't even restaurants anymore they are just drive-thru. We've got people doing Uber eats and picking up orders we have a problem with laziness. Leave your home, go to the restaurant, eat some food, tip the waiter and then go home, we live in a community you don't live in a box where you just go to your workplace then come home at the end of the night and keep to yourself, we live in a community. Thank you.

Ms. Lori Harris – I have a few comments about tonight. Thank you for letting the residents speak on issue 6A, I know you probably don't have to do that with all of these delays, but I do appreciate it. I would like to comment, these are just comments, the issue of the Mosque 6D I thought it was very interesting that the Planning Department okayed a site plan but doesn't know who owns the fence on that site plan, that's just a comment. It seems to me that would be something that you would look up before you finalize a site plan.

I also thought that the Neuner issue was interesting, anytime that a Director says I don't know, I'm not sure, I would say find out and be sure don't give guidelines if you don't know for sure. I told them when they were leaving that they should have asked for at least a two-month extension because, I don't, but it could lead to problems if the Director is, I don't know and I'm not sure. I hope it works out for them.

I also thought it was interesting Commissioner Robinson that you're asking has Mr. Wuerth let the Mayor know, I mean when the previous Chair resided wouldn't that be an automatic notification to the Mayor who is responsible for that who didn't do it. Does the Mayor care, no I don't think so, I think he'd prefer to see these Boards run empty and not be adequate it's very distressing.

I'd also like to say that residents like to feel safe, they like to feel heard and I'm going to tell you I'm really very unhappy that Mr. Kabacinski felt it was necessary to wear a gun into this setting tonight, and I'm saying that on the record because I think it's wrong. This building is considered like an entertainment venue or even like a school. There's a library here, there's families here, there's children in this building, and that's unacceptable. I wish that the police department had come and taken him out of here, I hope it doesn't happen again and hope that somebody here would give him some direction about that.

One more thing I thought Commissioner Tutt's questions were helpful two weeks ago, and if Assistant Secretary Mouri could give us some basic guidelines of how to understand the community so that we know better how to ask other questions. I thought it was very helpful to ask the questions. Any information you want to give or put on the Warren public pages to help us to learn more would be great.

Mr. Tony Baker – I want to speak about what happened with the accessible parking spaces at Randazzo's a few meetings ago. Someone speaking on behalf of Randazzo's told a resident that it makes her happy to put a couple parking spaces by the door. Spaces that are at the end of the building you have to walk further a distance and in the path of a vehicular way for a longer distance. I want to play file because I participated in a ADA webinar and I submitted a question for their review. It's about a minute and a half.

Audio playing – The next question I have here if five accessible parking spaces are required in a parking lot can two spaces be put in front of the door to the store and the other three at the end of the building.

This is Jennifer, I'm assuming if this is just one store and you're required to have five spaces certainly you would want to distribute those accessible spaces so that they are located on the shortest accessible route of travel to the entrance. So I would say if you're going to put the other three at the end of the building if there's an accessible entrance at the end of the building that people are using to go in and out of the store then I would say that's actually advisable to distribute your accessible parking spaces. If you do not have an accessible entrance at those ends of the building, then that would not be advisable to put your accessible parking spaces there because you're essentially going to be creating a longer amount of travel that people would have to use if they park in those accessible spaces to get to the entrance. So the answer to your questions hinges on how many accessible entrances do you have, and then trying to do your best to distribute those spaces to serve each of those entrances.

Mr. Tony Baker – There you have it, the spaces at Randazzo's need to be by the door. I want to back up to 6D about the Mosque and striping the accessible parking spaces. Under ADA law religious organizations are exempt from ADA, they can do it if they want under a good will gesture but they don't have to do it under ADA. I have more to state but I'm out of time, so I'm done.

12. PLANNING COMMISSION BUSINESS:

**A) Planning Director's Report:**

Mr. Ron Wuerth – This director's report is from about the last two weeks maybe a little shorter, I had some time off. It was just a continuation of meetings that we have in any day and in any week it seems to never end. I can tell you that we had a meeting with Mr. Bernie and his site plan is still out there for discussion at Nine Mile and Mac Arthur his auto shop. We were talking about conditions and negotiating or negotiating things, it was more informational for Mr. Bernie.

The Royalty House we are still working on some minor changes to that and things that were discussed here and trying to move along

with those types of things. The Emerald Facility it's a marijuana facility at Toepfer and Hoover I went out and did a site inspection of the landscaping and the trash enclosures and they are looking at trying to make some changes on some of that. I told them they would have to bring their changes to the Planning Commission and discuss it with you.

We met with Andiamo's and they want to expand their kitchen facilities on the east side of the building, so that was an interesting discussion. They are right along Beaver Creek and there's flood plain areas and things of that nature that one has to deal with that you don't think about. I attended a DDA Meeting and listened to a lot of different things that were simply going on there, I'm not going to go into detail, those minutes I think are available after the meetings. We've continued to work on the Garrick Street barricade issue and we are in the process of getting nearer to looking at a couple of test projects on traffic movements on Imperial Drive and Garrick, I had some discussions with the City Engineer regarding that and that continues to move forward.

I met with Crown Company, and they have this tower it's on Nine Mile just east of their big warehouse that they built down there at Hoover and Nine, east of that you'll see a couple of one-story buildings and then there's what we call the tower it's about four stories high and they want to have that totally renovated. They want to add new parking, landscaping in the parking lots, a lot of really nice things to upgrade that facility and they'll come in for site plan approval soon.

I can give you an update on our employees, as you know there's three of us three Planners, we are looking for an Assistant Planner we have that set I've got to attend a meeting with the Civil Service Commission to make an adjustment on a requirement. The same thing for the Administrative Clerk that's two positions that we think we are set on. The third one is Planner Aide; we will perform some interviews in about two weeks and pick up a third person. That actually will help us become a full staff for the first time in many years. That's all I have, if you have any questions for me I'll be glad to try and answer them.

Commissioner Robinson – Have you had conversations with the Mayor about filling some of the Planning Commissioner vacancies?

Mr. Ron Wuerth – We have one vacancy.

Commissioner Robinson – You have one vacancy and maybe some others I don't know, has he responded back to you in any manner?

Mr. Ron Wuerth – You have placed me in a position that I really don't like being in to discuss this issue at this time, I can discuss it with you separately. I know maybe one or two Commissioners have spoken to the Mayor about the issue and had conversations, I have not talked to him directly, that's all I want to say about that if you don't mind.

Commissioner Robinson – Okay.

**B) Planning Commission Discussion and Concerns:**

Discussion of the action of suspending a petitioner's right to be heard by a full nine (9) member board. Per Article III(B)(3) of the Rules of Procedure, the Planning Commission may suspend the effect of the part of Article III (4), which gives the petitioner the right to be heard by the full membership of nine (9) members.

Secretary Smith – I'd like to make a motion to bring to the Board to suspend the rule of having a nine-member board at this time being that we don't have nine members we only have eight. It takes five members to pass or fail a item and therefore to keep postponing and postponing doesn't seem like it's fair to everyone just because we are missing one member. Somebody's going to be sick you're probably always going to miss at least one member. So I'd like to suspend that rule, at least you have most of the members there to where you can make a decent vote and pass it so they don't keep postponing it. It goes on and on and it's not necessary. I can see if you have to postpone because you don't have five concurrent people voting yes or no I can understand postponing that, but just to postpone it because somebody can't show up or you don't have enough people maybe once or twice but not on and on it needs to end.

Ms. Mary Michaels – Mr. Koury raised a very good question about the intent of the rule. The Commission gives petitioners the right to be heard by a nine-member board but there's really no understanding of the reason why. The rules allow for the Commission to suspend the effect of a rule. To avoid the issues that we've had in the past this Commission can act by a vote of five members to suspend the effect of rule for second paragraph article 3, rule 4 which allows the Chair to give the petitioner the right to be

heard by nine-members. So if the effect of that rule is suspended then it would not have effect for public hearings. Or even the Board can act without discrimination so that there's petitioners that are similarly situated would be affected the same way. If there's a situation where there are multiple tabling's then the Commission could decide to suspend the effect of that rule so that the matter would be heard that day.

Commissioner Robinson – I think that's the only fair thing to do.

Secretary Smith – You can only suspend the rule on the tabling and not on the postponement?

Ms. Mary Michaels – Yes, but when something keeps coming back before the Commission then take the action to suspend the effect of that rule. And it would take five votes of the Commission.

Secretary Smith – Okay.

Ms. Mary Michaels – It's only up for discussion so it should be added to the agenda possibly at the next meeting, then it would have an effect that day. Add it as an action item at the next meeting and I'll work with Mr. Wuerth and Mr. Crabtree on the placement on the agenda.

Commissioner Tutt – So we can vote on at the start of our meeting so it will be in effect that meeting.

Ms. Mary Michaels – And you can even vote on it as to certain items as long as there's a good basis for it. It doesn't have to be a blanket decision across the board.

Commissioner Robinson – Will it go into effect at the next meeting?

Ms. Mary Michaels – Absolutely, Council does this suspend the effective rule.

Commissioner Robinson – It's really creating discontent with the residence and petitioners that come before us. We keep kicking the can down the road and it's building up frustration, anxiety, and anger.

Ms. Mary Michaels – And we should be making a priority to some amendment to these rules, they've been in place a long time.

Commissioner Tutt – Could we add how many times something could be postponed before we make that type of vote?

Ms. Mary Michaels – If the Commission adopted a rule to that affect, maybe have it applied to whether the petitioner is requesting it or the Commission wants it postponed, sometimes the Commission wants to postpone.

Commissioner Tutt – I'm only speaking about when we don't have a full board.

Ms. Mary Michaels – Yes absolutely, I don't know if we can limit it we'd actually have to have a different rule. How it's written right now it's indefinite unless you suspend the effect of it you'd have to have a new rule.

Commissioner Tutt – I guess that's my question, could we create that?

Ms. Mary Michaels – Yes absolutely, rules could be amended.

Secretary Smith – Could you draft the rule for us?

Ms. Mary Michaels – I will draft the rule, but in the meantime we know that amendments tend to take a little longer then they should just consider that option of suspending the effect of the rule when you believe a matter should be heard quickly.

Commissioner Tutt – Thank you.

Commissioner Robinson – Commissioner Tutt would you agree that maybe after two times, is that reasonable? If you don't do it two times, then that resident has to come back for a third time.

Commissioner Tutt – I don't think it's fair to either side, the neighbors that come or the petitioners that come so I think that's fine.

Vice Chair Boniecki – If we vote to suspend the nine-members and we have a quorum they wouldn't be postponing it because there's not nine-members it would be on if we have a quorum, is that correct?

Ms. Mary Michaels – That is correct, they can always request that it be tabled or postponed and the Commission can address that request, that's a separate issue.

Vice Chair Boniecki – So I guess what you're saying is if we put on the agenda to suspend this then we could rewrite the rules as an amendment which is two separate things. One can go into effect next meeting and then evidentially rewrite that so they can only two.

Ms. Mary Michaels – Madame Chair what I'm suggesting is this wouldn't be a tabling or a postponement as of right. If you suspend that rule it wouldn't be the automatic right to a tabling.

Vice Chair Boniecki – And that's what we have now they automatically get to postpone it to the next meeting. So we want to get this on the agenda the next meeting to give us the option to vote on the suspension of the rule. And also we can bring up or do it now, the limits on tabling, do we want to do that right now?

Commissioner Tutt – I don't think we can.

Vice Chair Boniecki – That would be a separate amendment that has nothing to do with the nine-members, correct?

Ms. Mary Michaels – That is correct, it's a separate amendment.

Vice Chair Boniecki – Could we do the discussion now and then vote on it at the next meeting, or do we have to wait until the next meeting to even consider it.

Ms. Mary Michaels – It's related to what you're discussing now so it's fine.

Vice Chair Boniecki – In the bylaws right now how many times can they table?

Ms. Mary Michaels - I don't see any limit.

Secretary Smith – We can talk about it next meeting when it's on the agenda, that way if anybody has any other ideas they want to express they can do it at that time.

Secretary Smith – I just have one more thing I want to say, sometimes when the meetings run a little bit long and we have to get

up and go to the bathroom or something like that I would like to request that instead of just getting up and leaving the stage we request a five-minute recess. It's frustrating to me when I'm trying to do a roll call or something and somebody's left.

Vice Chair Boniecki – I think if a Commissioner needs a break because we are going long I think we need to take a five minute recess.

Commissioner Tutt – I think it's better than just looking up and folks are missing. And let's try and do it in between agenda items before the next one starts because it does come off being rude when people are at the podium speaking and people get up and walk away.

Assistant Secretary Mouri – Madame Chair I think if someone needs a break we just need to mention we need a five minute recess I don't think we need to put it on the agenda.

13. CALENDAR OF PENDING MATTERS:  
None at this time.

14. ADJOURNMENT:

MOTION:

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

The meeting was adjourned at 10:00 p.m.

---

Merle Boniecki, Vice Chair

---

Warren Smith, Secretary

Meeting recorded and transcribed by  
Mary Clark - CER-6819

**E-mail:** [maryclark130@gmail.com](mailto:maryclark130@gmail.com)

Approved