

**CITY OF ELLISVILLE
COUNCIL MEETING**

FEBRUARY 15, 2023

Mayor Pro Tem Duffy opened this Regular Meeting at 7:10 p.m. In attendance were Council Members McGrath, Compton, Cahill, Sanborn, and Boggs. Mayor Roemerman was excused.

Also present were: City Manager Schwer, City Attorney Malone, Police Chief Lewis, City Planner Hood, and City Clerk Dohack.

All those in attendance recited the Pledge of Allegiance led by Council Member McGrath.

APPROVAL OF AGENDA

Mayor Pro Tem Duffy moved to approve the evening's agenda, seconded by Council Member Compton. The votes on the approval were all "AYES".

APPROVAL OF MINUTES

Mayor Pro Tem Duffy moved to approve the minutes from February 1, 2023 Council Meeting, seconded by Council Member Boggs. The votes on the approval were: Cahill "AYE", Sanborn "AYE", Duffy "AYE", Boggs "AYE", McGrath "AYE", and Compton "AYE".

PUBLIC COMMENTS I

Minden Bowling, 1504 La Dina Place, introduced herself and stated that she is a candidate for District 3 Council Member.

PETITIONS

16050 Manchester Road (MBT Shoes), waiver petition

Petition of MBT Shoes for waivers associated with a new Sales of Wearing Apparel store located at 16050 Manchester Road within the C-3 Commercial Zoning District.

Michael Russina representing MBT Shoes, Justin Strohm with the Strohm Group, and Tim Boegeman with Baywood Realty was present to answer questions.

After introductions, Mr. Boegeman the discussion and outlined the requested waivers, pertaining to storage restriction, parking requirements, rear and side yard buffer, fencing, lighting, walkways, sidewalk requirements and cross access.

Council Members asked questions of the representatives. Council Member Cahill stated his concerns about trailers being left for long periods of time and for the landscaping and fencing adjacent to the residential property behind the building. Council Member Cahill suggested planting of arborvitaes in front of the fencing adjacent to the residential property. Council Member Compton questioned the requirement for building square footage and the lower level of the building. Staff noted that the total square footage of the building includes the lower level and that is a requirement. Council Member McGrath asked about hours of operation and the need for additional lighting on the property, if the business will be open with evening hours. Council

Member Boggs noted that there would be no need to have a trailer on the property more than 24-28 hours. Mayor Pro Tem Duffy noted that was amenable to most of the waivers with the following exceptions; the landscape buffer noted by Council Member Cahill should be considered, also commented that the lighting is too bright and should be reduced or dimmed, and stated that cross access should be recorded on the plat for future use.

Council Member Compton made a motion to add a condition that no retail business be done on the lower level of the building and that the parking meets the requirements calculated for the first floor. The motion was seconded by Mayor Pro Tem Duffy. The votes were: Cahill "AYE", Sanborn "AYE", Duffy "AYE", Boggs "AYE", McGrath "AYE", and Compton "AYE".

Council Member Compton moved to limit the time for delivery trailer/trucks on the property to no more than 48 hours. The motion was seconded by Mayor Pro Tem Duffy. The votes were: Cahill "AYE", Sanborn "AYE", Duffy "AYE", Boggs "NAY", McGrath "AYE", and Compton "AYE".

Council Member Cahill moved to include the requirement for installation of at least four (4) green giant arborvitae plants within the rear yard setback. The motion was seconded by Mayor Pro Tem Duffy. The votes were: Cahill "AYE", Sanborn "AYE", Duffy "AYE", Boggs "AYE", McGrath "AYE", and Compton "AYE".

Discussion took place on the waiver of the maximum storage limit on the main level and it was noted that the Council could not consider this requested waiver. City Attorney Malone noted that if the petitioner could not comply, the Board of Adjustment would be the authority to grant relief for this request.

Mayor Pro Tem Duffy moved to waive the luminaire requirement, seconded by Council Member Sanborn. The votes on the motion were: Cahill "AYE", Sanborn "AYE", Duffy "AYE", Boggs "AYE", McGrath "AYE", and Compton "NAY".

Mayor Pro Tem Duffy moved to require that the cross-access easement to the eastern property be recorded until such time as both parties agree to the access. The motion was seconded by Council Member McGrath. The votes on the motion were: Cahill "AYE", Sanborn "AYE", Duffy "AYE", Boggs "AYE", McGrath "AYE", and Compton "AYE".

Discussion took place pertaining to the landscaping on the buffer in the parking area and the strip near the street.

Council Member Cahill moved to waive the parking lot planting requirement and install some drought tolerant landscaping between the sidewalk and the parking lot on the east side of entrance. Council Member Compton seconded the motion. The votes were: Cahill "AYE", Sanborn "NAY", Duffy "AYE", Boggs "AYE", McGrath "AYE", and Compton "AYE".

Discussion continued pertaining the number of ADA compliant parking spaces, the bike rack and the replacement of the existing fence with a sight-proof fence.

Mayor Pro Tem Duffy moved to approve the petition, as amended. The motion was seconded by Council Member Compton. The votes on the approval, as amended were: Cahill "AYE", Sanborn "AYE", Duffy "AYE", Boggs "AYE", McGrath "AYE", and Compton "AYE".

956 Barbara Ann Lane (G Keelin), garden fence enclosure

Petition from Gail and Byron Keelin for City Council consideration and approval allowing a new seven-foot (7') high garden enclosure at 965 Barbara Ann Lane with the R-1 Single Family Residential Zoning District.

Mr. and Mrs. Keelin were present to answer question. Mrs. Keelin noted that she is a Master Gardner and began outlining the request of a seven-foot (7') wood frame with cattle wire fence with a water feature around her garden in the back yard. Discussion took place on the type of fence. Mayor Pro Tem Duffy did not agree with the type of fencing requested.

Mayor Pro Tem Duffy moved to approve the petition request as presented, seconded by Council Member Compton. The votes on the motion were: Cahill "AYE", Sanborn "AYE", Duffy "NAY", Boggs "AYE", McGrath "AYE", and Compton "AYE".

PUBLIC COMMENTS

There were no comments at this time.

MAYOR/COUNCIL BUSINESS/REPORTS

It was noted that there are two (2) openings on the Economic Development Commission. One resident member and one business member is needed.

ACTIVE COMMITTEE STATUS/UDPATES

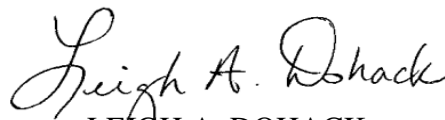
There were no updates.

CLOSED SESSION

No closed session took place at this time.

Mayor Roemerman adjourned the meeting at 8:08 p.m.

Respectfully submitted,



LEIGH A. DOHACK
City Clerk