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## PROCEEDINGS OF THE MANISTEE CITY COUNCIL – January 2, 2018

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A regular meeting of the Manistee City Council was called to order by his honor, Mayor James Smith on Tuesday, January 2, 2018 at 7:00 p.m. in the City Hall Council Chambers, 70 Maple Street, followed by the Pledge of Allegiance.

**PRESENT:** Dale Cooper, Lynda Beaton, Roger Zielinski, Robert Goodspeed, James Smith, James Grabowski, and Erin Pontiac.

**ALSO PRESENT:** City Manager – Thad Taylor, City Attorney – George Saylor, City Clerk – Michelle Wright, DPW Director – Jeff Mikula, Finance Director – Ed Bradford, Planning & Zoning Director – Denise Blakeslee, Public Safety Director – Tim Kozal, and City Engineer – Shawn Middleton / Spicer Group.

### **CITIZEN COMMENTS ON AGENDA RELATED ITEMS.**

*None received.*

### **CONSENT AGENDA.**

- Minutes - December 19, 2017 - Regular Meeting
- Financial Reports - November 2017
  - Cash Balances
  - Revenue & Expense
- Consideration of Proposed City Ordinance 18-1, Adding Chapter 866 – Medical Marihuana Facilities to the City of Manistee Codified Ordinance.

The City Attorney, with input from the City Manager, Planning and Zoning Administrator, and Public Safety Director, has drafted Ordinance 18-1 Medical Marihuana Facilities. Ordinance 18-1 is drafted in accordance with the authorization given the City by the Michigan Medical Marihuana Facilities Licensing Act. The proposed Ordinance is intended to describe the process by which the City may decide to permit and regulate Medical Marihuana Facilities located in the City. The Ordinance does not authorize Provisioning Centers in the City. As an Ordinance two separate readings are required. This Ordinance was introduced at the December 19, 2017 meeting and could be adopted at this time.
- Consideration of City Ordinance 18-2 Amending Chapter 411 Michigan Vehicle Code to add a Provision Allowing the City to Charge an Individual Under the Super Drunk Driving Law.

Chapter 411 of the City Codified Ordinances adopts the Michigan Vehicle Code and allows criminal prosecution for violations of the Vehicle Code when the offense has a maximum imprisonment of 93 days or less. The State of Michigan enacted a drunk driving law, commonly called “Super Drunk Driving,” which makes it a crime if an individual operates a motor vehicle with a blood alcohol content (BAC) of .17 grams per 100 milliliters of blood, or more. For a first time violation of the Super Drunk Driving provision an individual may be sentenced to jail for up to 180 days, community service of up to 360 hours and fines of not less than \$200 or more than \$700. An amendment to the Home Rule City Act permits cities to prosecute violations of the Super Drunk Driving statute as city ordinances violations as long as the city’s ordinance reflects the higher penalty. The City Attorney has prepared an amendment to Chapter 411 allowing prosecution for the offense as an ordinance violation. As an Ordinance two separate readings are required. This Ordinance was introduced at the December 19, 2017 meeting and could be adopted at this time.

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- Notification Regarding Next Work Session – January 9, 2018  
A discussion will be conducted on the Quarterly Strategic Plan update, State of the Streets Report, Curbside Recycling; and such business as may come before the Council.

MOTION by Goodspeed, second by Zielinski to approve the Consent Agenda as presented.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Smith, Grabowski, and Pontiac

NAYS: None

### **CONSIDERATION OF ADMINISTERING THE CITY CLERK OATH OF OFFICE.**

At the September 19, 2017 City Council meeting Council appointed Heather Pefley as the City Clerk effective January 5, 2018 after the retirement of the current City Clerk Michelle Wright. According to Section 13-14 of the City Charter an oath of office must be taken before assuming the duties of the office.

Mayor Smith administered the oath of office for the new City Clerk - Heather Pefley.

### **CONSIDERATION OF APPROVING PROFESSIONAL SERVICES TO BE PERFORMED BY SPICER GROUP TO COMPLETE PORTIONS OF THE CITY WET WEATHER CORRECTIVE ACTION PROGRAM.**

The current NPDES Permit includes requirements to complete a Wet Weather Corrective Action Program (WWCAP). The ultimate goal of the program is to eliminate Combined Sewer Overflows. The scope of work includes creation of the MDEQ approved WWCAP, submitting status reports, and all work required to complete a basis of design for the final capital projects.

MOTION by Zielinski, second by Goodspeed to approve professional services to be performed by the Spicer Group in the amount of \$772,000 to complete portions of the City of Manistee's Wet Weather Corrective Action Program. Shawn Middleton gave a brief explanation of what the \$772,000 covered.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Smith, Grabowski, and Pontiac

NAYS: None

### **CONSIDERATION OF APPLICATIONS TO BOARDS AND COMMISSIONS.**

The City Clerk has taken action to advertise vacancies on the Board of Review, Compensation Commission, Historic District Commission, Parks Commission, PEG Commission, Planning Commission, Tree Commission and the Zoning Board of Appeals.

Mayoral appointments require a motion, second and Council voted support. Nominations for Council appointments do not require a second. After all nominations are made, Council votes on the nominees until one nominee receives majority support.

The following applications have been received:

**BOARD OF REVIEW.** One vacancy, alternate member, term ending 12/31/20. Applicants must be City taxpaying,

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registered voters; Council appointment.

Gerald R. Haw, 421 Cedar Street

Goodspeed nominated Mr. Gerald R. Haw, 421 Cedar Street, as an alternate member to the Board of Review for a term ending 12/31/20.

With a roll call vote the nomination passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Smith, Grabowski, and Pontiac  
NAYS: None

**TREE COMMISSION.** One vacancy, term ending 12/31/19; Mayoral appointment.

Gerald R. Haw, 421 Cedar Street

Mayor Smith appointed Mr. Gerald R. Haw, 421 Cedar Street, to the Tree Commission for a term ending 12/31/19. MOTION by Zielinski, second by Goodspeed to support the Mayor's appointment.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Smith, Grabowski, and Pontiac  
NAYS: None

### **RESOLUTIONS OF THANKS & APPRECIATION.**

Mayor Smith read Resolutions of Thanks and Appreciation for Michelle Wright, City Clerk and James Polisky, DPW employee, who are both retiring on Friday, January 5, 2018.

### **CITIZEN COMMENT.**

*None received.*

### **OFFICIALS AND STAFF.**

Taylor stated that the sale of the Industrial Park lots closed last Thursday.

Mikula stated that the ice skating rink is close to opening; the DPW will be starting three shifts on Sunday evening; there has been a few water freeze ups already, run water notices were sent to customers on the annual fixed list, it is not a city-wide notice.

Other department directors expressed their appreciation to Wright for her service and welcomed Pefley as the new City Clerk.

### **COUNCILMEMBERS.**

Councilmembers also expressed their appreciation to Wright and look forward to working with Pefley.

Beaton asked if the money received on the sale of the Industrial Park lots could be dedicated towards funding

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local streets; next week's work session will have a discussion on curbside recycling, she would like information on how storage of recycling bins for 2<sup>nd</sup> floor apartments will be handled.

Grabowski received several complaints on snowplowing over the holidays, asked if there is any better way to get the word out.

Smith thanked everyone who worked over the holidays.

### **CONSIDERATION OF A CLOSED SESSION, UNION CONTRACT NEGOTIATIONS.**

City Manager Thad Taylor has requested a Closed Session this evening as permitted by the Michigan Open Meetings Act, Section 8 (c) to discuss contract negotiations with the Police Officers Association of Michigan and the Command Officers Association of Michigan.

MOTION by Zielinski, second by Goodspeed to proceed to Closed Session under Section 8 (c) of the Michigan Open Meetings Act. Time: 7:38 p.m.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Smith, Grabowski, and Pontiac  
NAYS: None

Goodspeed recused himself from the Closed Session as his wife is a member of the POAM union.

MOTION by Zielinski, second by Beaton to return to Regular Session. Time: 8:19 p.m.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Smith, Grabowski, and Pontiac  
NAYS: None

### **ADJOURN.**

MOTION to adjourn was made by Zielinski, second by Pontiac. Meeting adjourned at 8:20 p.m.

Michelle Wright MMC / CPFA, MiCPT  
City Clerk/Chief Deputy Treasurer