

**PROCEEDINGS OF THE MANISTEE CITY COUNCIL – December 20, 2011**

A regular meeting of the Manistee City Council was called to order by her honor, Mayor Colleen Kenny on Tuesday, December 20, 2011 at 7:00 p.m. in the City Hall Council Chambers, 70 Maple Street, followed by the Pledge of Allegiance.

**PRESENT:** Colleen Kenny, Sid Scrimger, Robert Hornkohl, Ilona Haydon, Catherine Zaring, Beth Adams, and Alan Marshall.

**ALSO PRESENT:** City Manager – Mitch Deisch, City Attorney – George Saylor, City Clerk – Michelle Wright, City Assessor – Julie Beardslee, DPW Director – Jack Garber, Finance Director – Ed Bradford, and Public Safety Director – Dave Bachman.

**CITIZEN COMMENTS ON AGENDA RELATED ITEMS.**

John Soltes, 1054 Oak Street, commented on Ordinance Amendment Z11-09; stated the applicants property is non-conforming in R-2 zoning; Z11-09 would eliminate the non-conformity; how fair is it to zone because of the amount of property you own; amendment would not restrict how many times they could ask for a special use; does Planning Commission have control or authority to control traffic volume in R-2 areas; keep zoning fair and equal.

Brian Postma, chairman of Faith Covenant Church, also spoke on Ordinance Amendment Z11-09; church received a special use permit in 1998 and built in 2000; the 2006 zoning ordinance change states that places of public assembly cannot be built if not on a key street; asking Council for a change in the ordinance.

Roger Vasquez, 816 Robinson Street, owns property adjacent to the church and is not in favor of this.

**CONSENT AGENDA.**

Adams requested the Consideration of Ordinance Z11-09 to the Zoning Ordinance be removed from the Consent Agenda.

- Minutes - December 6, 2011 - Regular Meeting  
- December 13, 2011 - Work Session
- Payroll - November 28-December 4, 2011 - \$ 50,454.37  
- December 5 - 11, 2011 - \$ 51,362.62  
- December 12-18, 2011 - \$ 61,695.90
- Monthly Bills - November 10, 2011 - \$1,534,965.83  
- November 30, 2011 - \$ 669,827.64
- Notification Regarding Next Work Session – January 10, 2012

Discussion on financial projections, airport bylaws, and Z11-01 waterfront development zoning amendment and such business as may come before the Council.

- Consideration of Ordinance Z11-08 to the Zoning Ordinance.  
The Planning Commission has developed a zoning amendment that would address wind energy conversion systems. These systems, intended to primarily serve the needs of the property upon which it is located, would be allowed in all zoning districts.

This amendment was first introduced by Council at their meeting of December 6, 2011 and could be adopted this evening.

MOTION by Hornkohl, second by Marshall to approve the Consent Agenda as presented, with the removal of item VII. Unfinished Business b.) Consideration of Ordinance Z11-09 to the Zoning Ordinance.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Scrimger, Hornkohl, Haydon, Zaring, Adams, and Marshall  
NAYS: None

#### **CONSIDERATION OF ORDINANCE Z11-09 TO THE ZONING ORDINANCE.**

Faith Covenant Church made application to the Planning Commission to amend Section 1868 Place of Public Assembly of the Zoning Ordinance; the proposed ordinance amendment would read:

A large Place of Public Assembly shall front on and be accessed primarily from a key street segment, as defined here, ***unless it is located on a parcel of land with a minimum area of five (5) acres.***

A public hearing was held on October 6, 2011 after which the Planning Commission made a motion to recommend to City Council to amend the ordinance. This amendment was first introduced by Council at their meeting of December 6, 2011 and could be adopted this evening.

MOTION by Marshall, second by Zaring to adopt Ordinance Z11-09 to the Zoning Ordinance. After lengthy discussion, MOTION by Zaring, second by Hornkohl to table this item until more information is received.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Scrimger, Hornkohl, Haydon, Zaring, Adams, and Marshall  
NAYS: None

Deisch stated that due to the holidays, this will be brought up again on the January 17, 2012 Council agenda.

#### **CONSIDERATION OF A POVERTY EXEMPTION GUIDELINES RESOLUTION.**

The adoption of the Resolution of guidelines for Poverty Exemption from Property Tax for 2012

Assessed and Taxable Values is required of the Manistee City Council in order for the Board of Review to grant poverty exemptions from property taxation. The homestead, of persons who the Board of Review determine by reason of poverty to be unable to contribute to the public charge, is eligible for exemption in whole or in part from taxation under Public Act 390, 1994 (MCL 211.7u). The guidelines include, but are not limited to the specific income and asset levels of the claimant and all persons residing in the household.

MOTION by Haydon, second by Hornkohl to approve the Resolution of Guidelines for Poverty Exemption from Property Tax for 2012 Assessed and Taxable Value.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Scrimger, Hornkohl, Haydon, Zaring, Adams, and Marshall

NAYS: None

#### **CONSIDERATION OF A GRANT AGREEMENT, GLFT FOR FISH CLEANING STATION.**

The City's grant proposal for the construction of a new Fish Cleaning Center was selected and approved by the Great Lakes Fishery Trust Board of Trustees on November 8, 2011 for an amount not to exceed \$75,000. Each project requires a signed agreement within 60 days of the grant announcement. The City has committed a matching \$75,000 to this project. Staff and the City Attorney have reviewed and approved the attached agreement.

MOTION by Haydon, second by Hornkohl to authorize the execution of a grant agreement with the Great Lakes Fishery Trust in an amount not to exceed \$75,000 to replace the First Street Beach Fish Cleaning Station; and authorize the Mayor to sign the agreement as the authorized agent, the City Clerk as the Witness, and Jack Garber as the Project Manager.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Scrimger, Hornkohl, Haydon, Zaring, Adams, and Marshall

NAYS: None

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

The City Clerk has taken action to advertise vacancies on the Board of Canvassers, Board of Review, Brownfield Redevelopment Authority, Compensation Commission, Downtown Development Authority, Historic District Commission, Parks & Beautification Commission, PEG Commission, Ramsdell Theatre Governing Authority, and Tree Commission. The following applications have been received:

**BOARD OF CANVASSERS** – Two vacancies, four year terms ending 12/31/15. One Democrat member and one Republican member. (Council appointment)

Chad LaFave, 302 ½ Twelfth Street (Republican)

Gustav Storm, 303 Fourth Street (Republican)\*

Sylvester Flarity, 28 Lake Street (Democrat)\*

MOTION by Hornkohl, second by Zaring to appoint Gustav Storm - 303 Fourth Street, Republican member, and Sylvester Flarity – 28 Lake Street, Democrat member, to the Board of Canvassers for four year terms ending 12/31/15.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Scrimger, Hornkohl, Haydon, Zaring, Adams, and Marshall  
NAYS: None

**BOARD OF REVIEW** – Two vacancies, three year terms ending 12/31/14; one regular member and one alternate member. Applicants shall be taxpaying electors of the City who are owners of property assessed for taxes in the City and, at the time of their appointment, are neither elected nor appointed officials of the City. (Council appointment)

**Regular Member:**

Therran Ferguson, 153 Lincoln Street\* (Incumbent-alternate member. If appointed as a regular member another alternate member is needed, term expiring 12/31/13)

**Alternate Member:**

Lynda Beaton, 256 Hughes Street  
Ruth Ann Winicki, 471 Fifth Street\*

MOTION by Haydon, second by Hornkohl to appoint the following to the Board of Review: Therran Ferguson – 153 Lincoln Street, regular member – term ending 12/31/14; Lynda Beaton – 246 Hughes Street, alternate member – term ending 12/31/14; and Ruth Ann Winicki – 471 Fifth Street, alternate member – term ending 12/31/13.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Scrimger, Hornkohl, Haydon, Zaring, Adams, and Marshall  
NAYS: None

**BROWNFIELD REDEVELOPMENT AUTHORITY** – Two vacancies, terms ending 6/30/13. (Mayoral appointment)

*None received*

**COMPENSATION COMMISSION** – Two vacancies, terms ending 9/30/14 and 9/30/15. (Mayoral appointment)

*None received*

**DOWNTOWN DEVELOPMENT AUTHORITY** – One vacancy, term ending 7/1/14, at large member. (Mayoral appointment)

Jeffery T. Reau, 487 Fourth Street  
Shari Wild, 7700 Milarch Road, Onekama

Kenny appointed Jeffery T. Reau - 487 Fourth Street, to the Downtown Development Authority for a term ending 7/1/14. MOTION by Hornkohl, second by Scrimger to support the Mayor's appointment.

After discussion, roll call vote was taken. Motion passed, 6-1.

AYES: Kenny, Scrimger, Hornkohl, Haydon, Zaring, and Adams  
NAYS: Marshall

**HISTORIC DISTRICT COMMISSION** – One vacancy, term ending 2/28/14. (Council appointment)

*None received*

**PARKS & BEAUTIFICATION COMMISSION** – Two vacancies, terms ending 6/30/12 and 6/30/14. (Mayoral appointment)

Roger L. Zielinski, 529 First Street

Kenny appointed Roger L. Zielinski - 529 First Street, to the Parks & Beautification Commission for a term ending 6/30/12. MOTION by Hornkohl, second by Zaring to support the Mayor's appointment.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Scrimger, Hornkohl, Haydon, Zaring, Adams, and Marshall  
NAYS: None

**PEG COMMISSION** – Two vacancies, three year terms ending 12/31/14. (Council appointment)

*None received*

**RAMSDELL THEATRE GOVERNING AUTHORITY** – One vacancy, term ending 6/30/14. (Mayoral appointment)

Mary E. Russell, 272 Lighthouse Circle

Kenny appointed Mary E. Russell - 272 Lighthouse Circle, to the Ramsdell Theatre Governing Board for a term ending 6/31/14. MOTION by Haydon, second by Hornkohl to support the Mayor's appointment.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Scrimger, Hornkohl, Haydon, Zaring, Adams, and Marshall  
NAYS: None

**TREE COMMISSION** – Four vacancies, three year terms ending 12/31/14. (Mayoral appointment)

Pat Williams, 105 Lighthouse Way\*  
Robert Johnson, 530 Ninth Street\*  
Mary Ann Johnson, 530 Ninth Street\*  
Kathleen Friedrich, 512 Pine Street\*

\*Incumbent

Kenny appointed Pat Williams - 105 Lighthouse Way, Robert Johnson – 530 Ninth Street, Mary Ann Johnson – 530 Ninth Street, and Kathleen Friedrich – 512 Pine Street to the Tree Commission for three year terms ending 12/31/14. MOTION by Haydon, second by Hornkohl to support the Mayor’s appointments.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Scrimger, Hornkohl, Haydon, Zaring, Adams, and Marshall  
NAYS: None

**CONSIDERATION OF COUNCIL COMMITTEE APPOINTMENTS.**

Mayor Kenny made the following Council Committee appointments:

- Alternatives for Area Youth – Deisch
- Auditing Committee – Scrimger, Haydon, Adams
- County Solid Waste Council – Scrimger
- Local Revenue Sharing Board – Kenny
- MRA Board – Deisch
- AES Board – Deisch
- Oil & Gas Investment Board – Kenny, Zaring, Bradford
- Ordinance Committee – Hornkohl, Marshall, Zaring
- Personnel Committee (appointed by City Manager) – Hornkohl, Kenny, Marshall
- Utilities Committee – Hornkohl, Scrimger, Marshall
- 911 Board Authority - Haydon

**PRESENTATION BY MATT McCAULEY OF THE NORTHWEST MICHIGAN COUNCIL OF GOVERNMENTS OF AN ENERGY GRANT ACHIEVEMENT AWARD.**

After giving a brief background of the program, Matt McCauley of the Northwest Michigan Council of Governments presented a recognition plaque to Mayor Kenny on behalf of the City of Manistee.

**A REPORT FROM THE CITY MANAGER.**

The City Manager annually prepares a review of calendar year activities. That review provides the Council and the Community an opportunity to step back from day to day activities and take a longer look at what has been accomplished. City Manager Mitchell D. Deisch and Staff has compiled a comprehensive report on the 2011 Highlights for the City of Manistee.

**CITIZEN COMMENT.**

Rick Schrock, 603 Harvard Lane, commented on the selection of a design firm for the First Street beach house. He also cited problems with the marina building that was designed by Abonmarche.

Tom Geoghan, 286 Dunes Drive, gave an update on Keith Brown's, Manistee Public Access director, medical condition.

**OFFICIALS AND STAFF.**

*None received.*

**COUNCILMEMBERS.**

Haydon thanked Garber for the quick destruction of the beach house.

Christmas wishes were made by all.

**ADJOURN.**

MOTION to adjourn was made by Hornkohl, second by Haydon. Meeting adjourned at 9:07 p.m.

Michelle Wright CMC/CPFA, MiCPT  
City Clerk/Deputy Treasurer