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## PROCEEDINGS OF THE MANISTEE CITY COUNCIL -JUNE 4, 2019

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A regular meeting of the Manistee City Council was called to order by his honor, Mayor Roger Zielinski on Tuesday, June 4, 2019 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, Michael Szymanski, James Grabowski, and Erin Pontiac.

**ALSO PRESENT:** City Manager – Thad Taylor, City Attorney – George Saylor, City Clerk – Heather Pefley, DPW Director – Jeff Mikula, Finance Director – Ed Bradford, Public Safety Director – Tim Kozal, and City Engineer – Shawn Middleton

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

None.

### **CONSENT AGENDA.**

- Minutes - May 21, 2019 - Regular Meeting
  
- Financial Reports
  - Cash Balances April 2019
  - Revenue & Expenses April 2019
  
- Consideration of Ordinance Z19-11, Small Cell Wireless Facilities.  
Legislation enacted by the State of Michigan requires amendments to the City's Zoning Ordinance to differentiate between Small Cell and Standard Wireless Communication Facilities. Ordinance Z19-11 was approved and is recommended by the City Planning Commission. County Planner Rob Carson also recommends this ordinance amendment.
  
- Consideration of Ordinance 19-17 Chapter 866 Medical Marihuana.  
The City Attorney has drafted Ordinance 19-17 amending section of Chapter 866 of the City of Manistee Codified Ordinances to permit Medical Marihuana Provisioning Centers within certain sections of the City. The location of Provisioning Centers will be addressed with a Zoning Ordinance Amendment, and are intended to be the same in number and location as Marihuana Retailers under the Recreational Marihuana Establishment Ordinance.
  
- Consideration of Ordinance 19-18 Amending Chapter 1610 International Fire Code.  
The Manistee Fire Department has received a number of complaints about open burning within the City. The City has certain requirements regarding open burning in Chapter 674 and also by its adoption of the International Fire Code in Section 1610. The Fire Department requested some additional language be added to Section 1610 allowing for

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more specific regulation of recreational fires so that what is authorized is more clear for residents and enforceable by fire officials.

- Notification Regarding Next Work Session – June 11, 2019  
A discussion will be conducted on curbside recycling and an update on the Strategic Plan; and such business as may come before Council.
- Consideration of Salt City Rock & Blues Laborfest.  
The annual Salt City Rock & Blues Laborfest event is scheduled for Saturday, August 31, 2019 from 12:00 p.m. to 12:00 a.m. The event will include a parade and an all-day concert. All events will be held on Saturday. The parade would commence at the City Marina and end at the Lions Pavilion. The concert venue will be the Lions Pavilion at First Street Beach.

Councilmember Beaton requested removal of Consideration of Ordinance 19-18 Amending Chapter 1610 from the Consent Agenda and it be addressed in VII. Unfinished Business.

MOTION by Szymanski, second by Pontiac to approve the Consent Agenda as presented with the removal of item VII (c) Consideration of Ordinance 19-18 Amending Chapter 1610 from the Consent Agenda.

With a roll call vote this motion passed unanimously.

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

NAYS: None

### **CONSIDERATION OF ORDINANCE 19-18 AMENDING CHAPTER 1610 INTERNATIONAL FIRE CODE.**

The Manistee Fire Department has received a number of complaints about open burning within the City. The City has certain requirements regarding open burning in Chapter 674 and also by its adoption of the International Fire Code in Section 1610. The Fire Department requested some additional language be added to Section 1610 allowing for more specific regulation of recreational fires so that what is authorized is more clear for residents and enforceable by fire officials.

As an ordinance two separate readings are required. This ordinance was introduced at the May 21, 2019 meeting and could be adopted at this time.

MOTION by Beaton, second by Grabowski to adopt Ordinance 19-18 amending Chapter 1610 International Fire Code. Discussed the need for more time to review this ordinance.

MOTION by Beaton, second by Szymanski to table this item for further discussion at the next work session and return the item to the agenda for the next regular meeting.

With a roll call vote this motion passed unanimously.

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

**CONSIDERATION OF A RESOLUTION OF SUPPORT, CBOC TASK FORCE.**

Manistee County veterans must travel an average of 100 miles or more to seek medical care and treatment. A local Community Based Outpatient Clinic (CBOC) Task Force is working diligently to change that. A resolution of support has been prepared for Council's consideration.

MOTION by Goodspeed, second by Cooper to adopt a resolution of support for the Manistee Area Community Based Outpatient Clinic Task Force in their effort to locate a veteran's clinic in the Manistee area.

With a roll call vote this motion passed unanimously.

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

**CONSIDERATION OF ORDINANCE Z19-13, MEDICAL AND RECREATIONAL MARIHUANA.**

The Manistee City Planning Commission held an advertised public hearing on May 16, 2019 in compliance with the Zoning Enabling Act to receive comments on zoning amendment language pertaining to the allowance of medical and recreational marihuana sales in a newly created overlay district within the City of Manistee.

Public comments received at the public hearing were in support of the amending language. Public correspondence received in writing, with a signature: 7 individual letters from neighboring properties, primarily within the Joslin Cove development. Six of these letters were not in support of the amendment language, while 1 letter was in support. The Planning Commission recommends approval/adoption of the amendment.

As an ordinance two separate readings are required. If this ordinance is introduced this evening, it could be adopted at the next regular meeting.

MOTION by Szymanski, second by Pontiac to introduce Zoning Ordinance Z19-13 amending Article 2, Article 3, Article 18 and Article 20 pertaining to the allowance of medical and recreational marihuana sales in a newly created overlay district in the City of Manistee.

With a roll call vote this motion passed, 5-2.

AYES: Cooper, Beaton, Zielinski, Szymanski, and Pontiac  
NAYS: Goodspeed and Grabowski

**A REPORT FROM THE COMMUNITY FOUNDATION AND LAUNCH MANISTEE.**

Mrs. Laura Heintzelman reported on the activities of the Community Foundation and responded to any questions the Council had regarding their activities.

Ms. Hannah Rodriguez reported on the activities of Launch Manistee and responded to any questions the Council had regarding their activities.

**CITIZEN COMMENT.**

Melissa Bertram, 19230 Fowler Road, Lake Ann – introduced herself to Council as a realtor with Real Estate One working with multiple properties in the area; also thanked the Community Foundation and Launch Manistee for the work they do.

**OFFICIALS AND STAFF.**

Mikula updated Council on the continuing issues with high lake levels.

1. Arthur Street boat launch retaining wall that supports the parking lot has failed due to water washing under the foundation of the wall; applied for EGLE and Corps of Engineer permits to complete repairs; received the EGLE permit and are still waiting on the Corps permit; submitted as a claim to insurance and it should be a covered loss.
2. Arthur Street boat launch floating pier came off telescoping piles and caused damage to the pier; pier has been repositioned and waiting on estimates of damage; a claim has been submitted to insurance.
3. Riverwalk section that was damaged has been submitted to insurance and this will be a covered loss.
4. High lake levels are causing water to back up storm sewer system; treating about a million gallons of lake water a day through the treatment plant; normal treatment plant flows of one million gallons a day has increased to about 2 million gallons a day; alerted the State of Michigan of the issue; working with engineers to come up with possible temporary solutions.

Kozal notified Council of a press conference to be held at the fire department on June 17<sup>th</sup> highlighting the Guinness Book award for oldest continuously operating fire station in the world; June 17<sup>th</sup> marks the 130<sup>th</sup> year of operation. Kozal also stated that the marina is coming along well and was recently able to accommodate a local marina having issues with their docks. Currently 7 of the 8 new docks are in use in addition to the 5 old docks.

Lissette Reyes of Project Rising Tide informed Council that the Housing Matters forum is scheduled for June 26<sup>th</sup> in the High School auditorium from 5:30 to 7:30 p.m. Discussion will include opportunities the City and community could consider as part of the alternatives for the housing shortage in Manistee.

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### **COUNCILMEMBERS.**

Grabowski asked Mikula if anything is going to be done with the rotting steps at the Veterans Memorial; Mikula stated the Jaycees are fundraising for this project this year and we also have a loose commitment from a developer to utilize donated funds for improvements; trying to pull resources together for these improvements.

Szymanski mentioned that he and the Mayor attended the Filer City Retail Marketing Study; inspiring economic development meeting; informed Council that the City needs to increase its walkability score to increase potential in economic development.

Goodspeed thanked everyone for their support during difficult time.

Beaton stated it was a nice meeting and she learned a lot from the Community Foundation reports.

Zielinski expressed he was very encouraged by the discussion at the Filer City Retail Marketing Study meeting; reminded everyone of the next work session to include discussion on curbside recycling, strategic planning update, and fire code.

### **ADJOURN.**

MOTION to adjourn was made by Goodspeed. Meeting adjourned at 7:52 p.m.

Heather Pefley CMC, CMMC / MiCPT  
City Clerk