
PROCEEDINGS OF THE MANISTEE CITY COUNCIL - AUGUST 20, 2019

A regular meeting of the Manistee City Council was called to order by his honor, Mayor Roger Zielinski on Tuesday, August 20, 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 Deputy Clerk – Lora Laurain, DPW Director – Jeff Mikula, Finance Director – Edward Bradford, Public Safety Director – Tim Kozal and City Engineer – Shawn Middleton

PUBLIC INFORMATIONAL MEETING – RURAL DEVELOPMENT PHASE II WET WEATHER CORRECTIVE ACTION PROGRAM (WWCAP)

A public informational meeting is required as part of the Rural Development funding and application submittal process. This meeting provided the citizenry an opportunity to become acquainted with the proposed project as well as to comment on such items as economic and environmental impacts, service area and alternatives considered for the project.

DPW Director Mikula presented Council with the background on the NPDES Permit and Correction Action Plan and updated timelines for Phase II of the wastewater improvements funding and construction. Mikula laid out the next steps of the process including Rural Development Loan Application, Review, Permit Submittals, Project Bidding and Construction. The Project is scheduled to begin in Spring 2020 and be completed Fall 2020, with a possible alternative completion date of Fall 2021.

Ed Tegler, 522 Fifth Avenue – asked about conditions of a catastrophic event.

City Engineer Middleton provided information on current wastewater flow capacity and stated that the new system will quadruple the flow capacity when completed.

No other comments were received. Public Hearing closed at 7:22 pm.

CITIZEN COMMENTS ON AGENDA RELATED ITEMS

Paul Glaser, 253 Fifth Street – spoke regarding the golf cart issue.

Michelle Hanson, 387 Eleventh Street – encouraged Council to limit the number of marihuana licenses available.

Eric Piedmont, Traverse City resident, of Fresh Coast Provisioning – spoke against unlimited marihuana permits in the City of Manistee.

Tom Swedenborg, 562 First Street – supports the purchase of additional No Wake signage in the harbor.

Art Periard, 9 Cottage Lane – spoke in support of the proposed golf cart ordinance.

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CONSENT AGENDA.

- Minutes
 - August 6, 2019
 - August 13, 2019
- Regular Meeting
- Work Session
- Financial Reports
 - Payroll July 2019
 - Invoices July 2019

- Consideration of Ordinance 19-19 Adding Chapter 460 Golf Carts

Michigan law permits, subject to a municipality authorizing, the use of golf carts on streets of a city with a population of less than 30,000. The Ordinance Committee has reviewed Ordinance 19-19 that would add Chapter 460 to the city of Manistee Codified Ordinances and would allow the use of golf carts, registered with the City of Manistee Police Department, on City streets. Use of the golf carts is subject to restrictions established within the ordinance.

As an ordinance two separate readings are required. This ordinance was introduced at the August 6, 2019 meeting and could be adopted at this time.

- Consideration of Ordinance 19-20 Amending Chapter 866 Medical Marihuana Facilities

The City of Manistee Medical Marihuana Facilities Ordinance permits up to three Provisioning Centers. Under State law, a single business may operate both a Provisioning Center and Marihuana Retailer, at the same location. This means that three businesses could utilize all six Provisioning Center permits and Marihuana Retailer licenses. Initial interest suggests that the requests for Provisioning Center permits and Marihuana Retailer Licenses will exceed what is currently authorized by City Ordinance. An amendment to chapter 866 is being proposed that would authorize an unlimited number of Provisioning Center permits; however, the number of parcels available in the marihuana Sales Overlay District is a limiting factor in how many Provisioning Center permits will be requested. The proposed amendment also limits the duration of a provisional permit to one year.

As an ordinance two separate readings are required. This ordinance was introduced at the August 6, 2019 meeting and could be adopted at this time.

- Consideration of Ordinance 19-21 Amending Chapter 867 Recreational Marihuana

The City of Manistee Recreational Marihuana Ordinance authorizes up to three Marihuana Retailers. Under State law, a single business may operate both a Provisioning Center and Marihuana Retailer, at the same location. This means that three businesses could utilize all six Provisioning Center permits and Marihuana Retailer licenses. Initial interest suggests that the requests for Provisioning Center Permits and Marihuana Retailer Licenses will exceed what is currently authorized by City Ordinance. Similar to the previous agenda item, an amendment to Chapter 867 is being proposed that would authorize an unlimited number of Marihuana Retailer Licenses and Marihuana Microbusinesses; however, the number of parcels available in the Marihuana Sales Overlay District for these businesses is a limiting factor in how many licenses will be requested. The proposed amendment also limits the duration of a provisional license to one year.

As an ordinance two separate readings are required. This ordinance was introduced at the August 6, 2019 meeting and could be adopted at this time.

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- Consideration of Ordinance 19-22 Amending Chapter 1420 State Construction Code
In 2015 the City eliminated local building inspection responsibilities and delegated that responsibility to the State of Michigan. City Council agreed to a contract with SAFEbuilt to conduct all inspections (building, electrical, plumbing and mechanical). For the City to resume handling building inspection responsibilities and to assume the responsibility for electrical, plumbing, and mechanical inspections, an Amendment to Chapter 1420 is required. The City Attorney has prepared Ordinance 19-22.

As an ordinance two separate readings are required. This ordinance was introduced at the August 6, 2019 meeting and could be adopted at this time.
- Notification Regarding Next Work Session – September 10, 2019
A discussion will be conducted on Refuse Collection Options/Refuse Committee Recommendations, Project Rising Tide Update, and Strategic Plan Update; and such business as may come before Council.
- Consideration of Manistee Catholic Central Homecoming Parade
A request has been received to hold the Manistee Catholic Central High School Homecoming Parade on Friday, September 27, 2019 commencing at 4:30 pm. The parade would assemble at the Manistee Tire parking lot and parade down Division Street to River Street, concluding at Oak Street.

Councilmember Szymanski requested the removal of item VII; c.) Consideration of Ordinance 19-21 Amending Chapter 867 Recreational Marihuana; and Mayor Pro-Tem Beaton requested the removal of item VII; b.) Consideration of Ordinance 19-20 Amending Chapter 866 Medical Marihuana Facilities.

MOTION by Szymanski, second by Grabowski to approve the Consent Agenda as presented with the removal of items VII; c Consideration of Ordinance 19-21 Amending Chapter 867 Recreational Marihuana and VII; b Consideration of Ordinance 19-20 Amending Chapter 866 Medical Marihuana Facilities.

With a roll call vote this motion passed unanimously.

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

CONSIDERATION OF ORDINANCE 19-20 AMENDING CHAPTER 866 MEDICAL MARIHUANA FACILITIES

The City of Manistee Medical Marihuana Facilities Ordinance permits up to three Provisioning Centers. Under State law, a single business may operate both a Provisioning Center and Marihuana Retailer, at the same location. This means that three businesses could utilize all six Provisioning Center permits and Marihuana Retailer licenses. Initial interest suggests that the requests for Provisioning Center permits and Marihuana Retailer Licenses will exceed what is currently authorized by City Ordinance. An amendment to chapter 866 is being proposed that would authorize an unlimited number of Provisioning Center permits; however, the number of parcels available in the marihuana Sales Overlay District is a limiting factor in how many Provisioning Center permits will be requested. The proposed amendment also limits the duration of a provisional permit to one year.

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As an ordinance two separate readings are required. This ordinance was introduced at the August 6, 2019 meeting and could be adopted at this time.

MOTION by Beaton, second by Cooper to adopt Ordinance 19-20 amending Chapter 866 Medical Marihuana Facilities.

Discussion included aspects of competition and the possibility of amending the ordinance in the future.

With a roll call vote this motion to amend the ordinance passed, 4-3.

AYES: Cooper, Beaton, Zielinski and Szymanski

NAYS: Goodspeed, Grabowski and Pontiac

CONSIDERATION OF ORDINANCE 19-21 AMENDING CHAPTER 867 RECREATIONAL MARIHUANA

The City of Manistee Recreational Marihuana Ordinance authorizes up to three Marihuana Retailers. Under State law, a single business may operate both a Provisioning Center and Marihuana Retailer, at the same location. This means that three businesses could utilize all six Provisioning Center permits and Marihuana Retailer licenses. Initial interest suggests that the requests for Provisioning Center Permits and Marihuana Retailer Licenses will exceed what is currently authorized by City Ordinance. Similar to the previous agenda item, an amendment to Chapter 867 is being proposed that would authorize an unlimited number of Marihuana Retailer Licenses and Marihuana Microbusinesses; however, the number of parcels available in the Marihuana Sales Overlay District for these businesses is a limiting factor in how many licenses will be requested. The proposed amendment also limits the duration of a provisional license to one year.

As an ordinance two separate readings are required. This ordinance was introduced at the August 6, 2019 meeting and could be adopted at this time.

MOTION by Beaton, second by Cooper to adopt Ordinance 19-21 amending Chapter 867 Recreational Marihuana Facilities.

With a roll call vote this motion to amend the ordinance failed, 3-4.

AYES: Cooper, Beaton and Zielinski

NAYS: Goodspeed, Szymanski, Grabowski and Pontiac

CONSIDERATION OF APPLYING FOR A LOW INTEREST LOAN TO FUND PHASE II OF THE CITY'S WET WEATHER CORRECTIVE ACTION PROGRAM

The current NPDES Permit includes requirements to complete a Wet Weather Corrective Action Program (WWCAP). This WWCAP includes a two-phased approach to reduce inflow and infiltration (I&I) at its source and to convey, treat and store excess I&I at the WWTP. As part of this program, the City has secured Phase I funding through Rural Development (USRDA) and requires a second loan for Phase II to finance the work.

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MOTION by Cooper, second by Goodspeed to approve the application for a USRDA loan application in the amount not to exceed \$18 million dollars and if successfully awarded, authorize the Mayor and City Clerk to execute the necessary documents.

With a roll call vote this motion passed unanimously.

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

CONSIDERATION OF A LICENSE RENEWAL WITH THE U.S. ARMY CORPS OF ENGINEERS TO ALLOW ANNUAL FIREWORKS DISPLAY ON THE SOUTH BREAKWATER, MANISTEE HARBOR

The U.S. Army Corps of Engineers has requested a renewal of the license agreement with the City of Manistee for the annual fireworks display on the south breakwater located in the harbor at First Street Beach. The current license agreement expired July 31, 2019. The administrative fee to renew the license is \$350 for a five year term.

MOTION by Goodspeed, second by Grabowski to support and approve a license agreement with the U.S. Army Corps of Engineers to allow the annual fireworks display on the south breakwater in the Manistee Harbor.

With a roll call vote this motion passed unanimously.

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

CONSIDERATION OF AN INTERGOVERNMENTAL COMMUNITY POOL AGREEMENT FOR THE OPERATION OF THE PAINE AQUATIC CENTER

The original agreement expired on August 12, 2019. A new agreement has been reached with the Manistee Area Public Schools. The agreement is, for the most part, identical to the original agreement. This agreement is for five (5) years and will automatically renew for an additional five (5) years unless otherwise amended and signed by both parties in writing. The City's annual contribution will remain the same at \$40,000.

MOTION by Goodspeed, second by Szymanski to approve the new Intergovernmental Community Pool Agreement for the Operation of the Paine Aquatic Center; and authorize the Mayor and City Clerk to sign the document.

MOTION by Grabowski, second by Cooper to table the Consideration of An Intergovernmental Community Pool Agreement For The Operation Of The Paine Aquatic Center for discussion at the September 10, 2019 Work Session.

With a roll call vote this motion to table passed unanimously.

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

NAYS: None

CONSIDERATION OF THE PURCHASE OF A 2020 FORD EXPLORER

The City of Manistee has provided a vehicle for staff members to utilize for travel and training. The current 2007 Ford Escape was scheduled to be replaced in the next fiscal year; however, it has experienced mechanical issues and requires replacement. Feedback from staff utilization has resulted in the recommended purchase of a 2020 Ford Explorer purchased through MiDEAL.

MOTION by Beaton, second by Grabowski to approve the purchase of a 2020 Ford Explorer from Gorno Ford in the amount of \$29,647.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF THE PURCHASE OF NO WAKE SIGNAGE FOR THE MANISTEE HARBOR

The City of Manistee has received several complaints of boaters violating the No Wake Zone in the Manistee Harbor. The Harbor Commission requested as part of the enforcement to analyze needs for improved and additional signage. Twelve large no wake signs and eight small no wake signs were recommended. The Harbor Commission recommends Council approval to purchase and erect new No Wake signage for the Manistee Harbor. This will assist with notification and enforcement. The total cost would not exceed \$1,600.

MOTION by Cooper, second by Szymanski to authorize the purchase of No Wake signage for the Manistee Harbor.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CITIZEN COMMENT

Set Pratt, 355 Second Street – spoke regarding blight and noise issues at 353 Second Street.

Paul Glaser, 253 Fifth Street – spoke regarding additional hit and run incidents on Fifth Street; and also regarding the motion on the Paine Aquatic Center.

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OFFICIALS AND STAFF

Taylor addressed the blight issue on Second Street and reported that police are monitoring the situation and will continue to follow up.

Kozal also provided information on police action regarding the blight issue on Second Street as well as a blight issue on Twelfth Street.

Bradford reported that the Fifth Avenue beach camera is now functional and draws a large amount of web traffic and there is the possibility of adding more cameras in the future.

COUNCILMEMBERS

Pontiac encouraged the public to use the City's website feature which allows for blight reporting.

Beaton stated that blight is the number one complaint by residents and suggested that Council form an ad hoc committee comprised of City residents to address blight issues.

Council consensus was that they would like City Manager Taylor to form an ad hoc committee comprised of a representative from each district along with staff to address blight concerns.

ADJOURN.

MOTION to adjourn was made by Goodspeed. Meeting adjourned at 8:24 pm.

Lora Y Laurain
Deputy Clerk