

PROCEEDINGS OF THE MANISTEE CITY COUNCIL – October 16, 2012

A regular meeting of the Manistee City Council was called to order by her honor, Mayor Colleen Kenny on Tuesday, October 16, 2012 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, Ilona Haydon (*arrived 7:04 p.m.*), Catherine Zaring, Beth Adams, and Alan Marshall.

ABSENT: Robert Hornkohl.

ALSO PRESENT: City Manager – Mitch Deisch, City Attorney – George Saylor, City Clerk – Michelle Wright, Community Development Director – Jon Rose, DPW Director – Jack Garber, Finance Director – Ed Bradford, and Public Safety Director – Dave Bachman.

CITIZEN COMMENTS ON AGENDA RELATED ITEMS.

None received.

CONSENT AGENDA.

- Minutes - October 2, 2012 - Regular Meeting
- October 9, 2012 - Work Session
- Payroll - October 1 - 14, 2012 - \$ 107,566.86
- Monthly Bills - September 12, 2012 - \$ 130,978.88
- September 25, 2012 - \$ 493,677.90
- Consideration of Adopting Ordinance #12-05 Amending Chapter 288 PEG Commission.
The PEG Commission has recommended a change in their ordinance language to broaden the membership on the PEG Commission. The new language would enable interested residents in Manistee County to participate on the commission. The Council Ordinance Committee, along with the City Attorney, has reviewed and recommends the proposed ordinance amendment. Filer Charter Township has also reviewed and approved the proposed changes. This ordinance was introduced at the October 2, 2012 Council meeting and could be adopted at this time.
- Consideration of Adopting Ordinance Z12-04 Amending Section 514 Vehicular Parking Space, Access and Lighting.
This ordinance amends Section 514 Vehicular Parking Space, Access and Lighting of the Zoning Ordinance as recommended by the Planning Commission. Proposed changes include changing the required number of parking spaces for some uses; requires pedestrian walkways for parking lots with 10 or more spaces; establishes a 5 foot buffer (front property

line); establishes Bike Parking for some uses; and requires the installation of sidewalks in some districts for certain uses. The City Attorney and the Council Ordinance Committee has reviewed and approved the proposed amendment. This amendment was first introduced by Council at their meeting of October 2, 2012 and could be adopted this evening.

- Consideration of Adopting Ordinance Z12-06 Amending Section 1813 Bed and Breakfast, Item B.1.h.

This ordinance amendment deletes Item B.1.h of Section 1813 Bed and Breakfast as recommended by the Planning Commission. This amendment deletes the item which establishes the number of sleeping rooms by Zoning District from the Special Use Permit Standards. The City Attorney and the Council Ordinance Committee has reviewed and approved the proposed amendment. This amendment was first introduced by Council at their meeting of October 2, 2012 and could be adopted this evening.

- Consideration of Adopting Ordinance Z12-07 Amending Article 2 Definitions and Section 502 Spatial and Physical Requirements.

This ordinance amendment adds a definition for Outdoor Playset and Porch to Article 2 Definitions and amends Section 502 Spatial and Physical Requirements which allows people to construct porches on the front of their home in the front yard setback where they would have previously needed to obtain a variance from the Zoning Board of Appeals, encouraging interaction in neighborhoods. The City Attorney and the Council Ordinance Committee has reviewed and approved the proposed amendment. This amendment was first introduced by Council at their meeting of October 2, 2012 and could be adopted this evening.

- Consideration of Adopting Ordinance Z12-08 Amending Peninsula District Standards, Article 5 General Provisions, Article 18 Standards and Requirements for Special Uses and Article 21 Signs.

The following Zoning Ordinance amendments have been prepared to address General Regulations, Special Use Permit Standards and Signage in the new Peninsula District (P-D) in the following sections of the ordinance:

Article 5: General Regulations – Section 505.B; Section 511.A and 515.G.3.a

Article 18: Standards and Requirements for Special Uses – 1807.C.2 and Section 1861.B.10

Article 21: Signs – Section 2101.A.7.a; Section 2101.A.7.b; Section 2101.A.7.c; Section 2103.H; Section 2106; Section 2007 and Section 2018

This is a housekeeping item and did not require City Attorney review. The Council Ordinance Committee has reviewed and approved the proposed amendment. This amendment was first introduced by Council at their meeting of October 2, 2012 and could be adopted this evening.

- Notification Regarding Next Work Session – December 11, 2012

There is no work session in November. A discussion will be conducted on water policies/road breakage; and such business as may come before the Council.

Councilmember Adams requested that item b.) Consideration of Adopting Ordinance Z12-04 Amending

Section 514 Vehicular Parking Space, Access and Lighting be removed from the Consent Agenda. MOTION by Marshall, second by Zaring to approve the Consent Agenda with the removal of item b.).

With a roll call vote this motion passed unanimously.

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

CONSIDERATION OF ADOPTING ORDINANCE Z12-04 AMENDING SECTION 514 VEHICULAR PARKING SPACE, ACCESS AND LIGHTING.

This ordinance amends Section 514 Vehicular Parking Space, Access and Lighting of the Zoning Ordinance as recommended by the Planning Commission. Proposed changes include changing the required number of parking spaces for some uses; requires pedestrian walkways for parking lots with 10 or more spaces; establishes a 5 foot buffer (front property line); establishes Bike Parking for some uses; and requires the installation of sidewalks in some districts for certain uses. The City Attorney and the Council Ordinance Committee has reviewed and approved the proposed amendment. This amendment was first introduced by Council at their meeting of October 2, 2012 and could be adopted this evening.

MOTION by Marshall, second by Haydon to adopt Ordinance Z12-04 amending Section 514 Vehicular Parking Space, Access and Lighting of the City of Manistee Zoning Ordinance. Adams asked for an explanation of the origination and details of this ordinance. Rose responded.

With a roll call vote this motion passed unanimously.

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

PRESENTATION BY DAVID E. WILSON, CPA AND FINANCE DIRECTOR ED BRADFORD ON THE JUNE 30, 2012 AUDIT.

Mr. David E. Wilson and Finance Director Bradford presented the June 30, 2012 audit report and responded to questions asked by Councilmembers.

CONSIDERATION OF APPLICATIONS TO BOARDS AND COMMISSIONS.

The City Clerk has taken action to advertise vacancies on the Brownfield Redevelopment Authority, Compensation Commission, Harbor Commission, Planning Commission and the Zoning Board of Appeals. The following applications have been received:

BROWNFIELD REDEVELOPMENT AUTHORITY – One unexpired term ending 06/30/14, Mayoral appointment.

None received

COMPENSATION COMMISSION – Two vacancies, five-year terms ending 09/30/17, Mayoral appointment.

None received

HARBOR COMMISSION – Three vacancies, three-year terms ending 10/31/15, Council appointment.

Rick Schrock, 603 Harvard Lane*
Rosemary Daniels, 703 Hopkins Street
Thomas R. Smith, 703 Hopkins Street
Shelly Memberto, 237 Second Avenue
Ross M. Spencer, 328 Eighth Street*

Haydon nominated Rick Schrock – 603 Harvard Lane to the Harbor Commission. Roll call vote was taken, nomination failed 3-3.

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

Haydon nominated Rosemary Daniels – 703 Hopkins Street to the Harbor Commission. With a roll call vote nomination was approved, 6-0.

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

Haydon nominated Thomas R. Smith – 703 Hopkins Street to the Harbor Commission. With a roll call vote nomination was approved, 6-0.

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

Zaring nominated Shelly Memberto – 237 Second Avenue to the Harbor Commission. With a roll call vote nomination was approved, 5-1.

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

Daniels, Smith and Memberto were appointed to the Harbor Commission for three year terms ending 10/31/15.

PLANNING COMMISSION – Three vacancies, three-year terms ending 10/31/15, Mayoral appointment.

Ray Fortier, 367 Eleventh Street*

Mayor Kenny appointed Ray Fortier – 367 Eleventh Street to the Planning Commission for a three year term ending 10/31/15. MOTION by Haydon, second by Marshall to support the Mayor's appointment.

With a roll call vote this motion passed unanimously.

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

ZONING BOARD OF APPEALS – One vacancy (alternate member), unexpired term ending 05/31/15, Mayoral appointment.

None received

*Incumbent

A REPORT FROM THE HARBOR COMMISSION AND THE MAIN STREET DOWNTOWN DEVELOPMENT AUTHORITY.

Mr. Ross Spencer reported on the activities of the Harbor Commission and responded to questions the Council had regarding their activities.

Mr. Travis Alden reported on the activities of the Main Street Downtown Development Authority and responded to questions the Council had regarding their activities.

CITIZEN COMMENT.

None received.

OFFICIALS AND STAFF.

Wright reminded Council that the next Council meeting will be held on Wednesday, November 7th because of the election on November 6th; also encouraged everyone to go vote.

Bradford stated that the Metropolitan Opera event held at the Ramsdell Theatre on Saturday was a huge success; next opera scheduled for Saturday, October 27th; Josh White will be performing on Friday, October 26th.

Rose asked that the advertising for the two Planning Commission vacancies be deferred until they can discuss the possibility of changing the number of board members at their November meeting.

COUNCILMEMBERS.

Scrimger thanked the two Harbor Commission applicants that didn't get appointed and thanked them for their service.

Haydon also thanked the outgoing Harbor Commission members; reminded everyone of the presidential debates on television tonight; and encouraged everyone to vote.

Zaring encouraged people to attend the Paint the Town Pink event on Thursday, October 18th at 4 p.m.

Adams asked for an update on the sewer cleaning; also asked if all of the new contracts have been signed with the four unions.

Marshall also thanked the outgoing Harbor Commission members.

Kenny read a proclamation for Paint the Town Pink and declared October 18, 2012 as "Paint the Town Pink" day in the City of Manistee.

ADJOURN.

MOTION to adjourn was made by Zaring, second by Marshall. Meeting adjourned at 8:40 p.m.

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