

**PROCEEDINGS OF THE MANISTEE CITY COUNCIL – October 5, 2010**

A regular meeting of the Manistee City Council was called to order by her honor, Mayor Ilona Haydon on Tuesday, October 5, 2010 at 7:00 p.m. in the City Hall Council Chambers, 70 Maple Street, followed by the Pledge of Allegiance.

PRESENT: Colleen Kenny, Ed Cote, Robert Hornkohl, Ilona Haydon, Hank Yonkman, and Alan Marshall.

ABSENT: Richard Mack.

ALSO PRESENT: City Manager – Mitch Deisch, City Attorney – Bruce Gockerman, City Clerk – Michelle Wright, Community Development Director – Jon Rose, DPW Director – Jack Garber, Acting Fire Chief – Timm Smith, Police Chief – Dave Bachman, and Building Inspector – Mark Niesen.

**CITIZEN COMMENTS ON AGENDA RELATED ITEMS.**

*None received.*

**#10-113 CONSENT AGENDA.**

Consent agenda items include:

- Minutes - September 20, 2010 - Regular Meeting
- Payroll - September 13-19, 2010 - \$ 52,542.70  
- September 20–26, 2010 - \$ 52,082.36
- Monthly Bills - September 2, 2010 - \$ 70,514.93  
- September 13, 2010 - \$ 781,850.50  
- September 15, 2010 - \$ 1,090,817.36  
- September 23, 2010 - \$ 744,499.25
- Notification Regarding Next Work Session – October 12, 2010  
A presentation will be made on the OSAC / CRC Benchmark Report; and such business as may come before the Council.
- Consideration of Authorizing the Annual Paint the Town Pink Ribbon Walk.  
West Shore Healthcare Foundation’s “Paint the Town Pink” ribbon walk is a community event to bring awareness to support early detection of breast cancer. The event involves walkers going from the area of Pine and River Street along the Riverwalk to the House of Flavors. They return along River Street where stores host window displays and special shopping events for participants. The annual “Paint the Town Pink” Ribbon Walk will be held on Thursday,

October 14, 2010 from 4:00 p.m. to 7:00 p.m.

- Consideration of MCC Homecoming Parade.  
Manistee Catholic Central School requests the use of River Street to hold their annual homecoming parade on Friday, October 8, 2010 at 4:30 p.m., following a route from Division Street to the Marina.

MOTION by Hornkohl, second by Cote to approve the Consent Agenda as stated.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Haydon, Yonkman, Marshall

NAYS: None

**#10-114 CONSIDERATION OF INTRODUCING ORDINANCE AMENDMENT Z10-01 TO THE MANISTEE CITY ZONING ORDINANCE.**

The City of Manistee adopted the new Zoning Ordinance on February 21, 2006. Amendments were made to the Ordinance in May 2007, February 2008 and December 2008. Since that time the Ordinance Rewrite Committee and Planning Commission have identified areas of the ordinance that need to be changed.

The Planning Commission held a public hearing on March 4, 2010 and voted to recommend City Council adopt Ordinance Amendment Z10-01 changing Duplex from a Use by Right to a Special Use in the R-2, R-3 and W-F Districts.

This will be a first reading of the proposed Ordinance Amendment Z10-01. A second reading and possible adoption could take place at the October 19, 2010 Council meeting.

MOTION by Hornkohl, second by Kenny to introduce Ordinance Amendment Z10-01 to amend the Manistee City Zoning Ordinance.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Haydon, Yonkman, Marshall

NAYS: None

**#10-115 CONSIDERATION OF INTRODUCING ORDINANCE AMENDMENT Z10-02 TO THE MANISTEE CITY ZONING ORDINANCE.**

The Planning Commission held a public hearing on March 4, 2010 and voted to recommend City Council adopt Ordinance Amendment Z10-02 adding a Bed & Breakfast as a Special Use in the C-2 District.

This will be a first reading of the proposed Ordinance Amendment Z10-02. A second reading and possible adoption could take place at the October 19, 2010 Council meeting.

MOTION by Kenny, second by Cote to introduce Ordinance Amendment Z10-02 to amend the Manistee City Zoning Ordinance.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Haydon, Yonkman, Marshall  
NAYS: None

**#10-116 CONSIDERATION OF INTRODUCING ORDINANCE AMENDMENT Z10-03 TO THE MANISTEE CITY ZONING ORDINANCE.**

The Planning Commission held a public hearing on March 4, 2010 and voted to recommend City Council adopt Ordinance Amendment Z10-03 providing language in the Ordinance for condominiums.

This will be a first reading of the proposed Ordinance Amendment Z10-03. A second reading and possible adoption could take place at the October 19, 2010 Council meeting.

MOTION by Hornkohl, second by Cote to introduce Ordinance Amendment Z10-03 to amend the Manistee City Zoning Ordinance.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Haydon, Yonkman, Marshall  
NAYS: None

**#10-117 CONSIDERATION OF INTRODUCING ORDINANCE AMENDMENT Z10-04 TO THE MANISTEE CITY ZONING ORDINANCE.**

The Planning Commission held a public hearing on March 4, 2010 and voted to recommend City Council adopt Ordinance Amendment Z10-04 adding Medium Site Plan Review Standards.

This will be a first reading of the proposed Ordinance Amendment Z10-04. A second reading and possible adoption could take place at the October 19, 2010 Council meeting.

MOTION by Hornkohl, second by Cote to introduce Ordinance Amendment Z10-04 to amend the Manistee City Zoning Ordinance.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Haydon, Yonkman, Marshall  
NAYS: None

**#10-118 CONSIDERATION OF INTRODUCING ORDINANCE AMENDMENT Z10-05 TO THE MANISTEE CITY ZONING ORDINANCE.**

The Planning Commission held a public hearing on March 4, 2010 and voted to recommend City Council adopt Ordinance Amendment Z10-05 changing Place of Public Assembly Small from a Use by Right to a Special Use and Deletes Industrial Uses in Article 12 Waterfront District.

This will be a first reading of the proposed Ordinance Amendment Z10-05. A second reading and possible adoption could take place at the October 19, 2010 Council meeting.

MOTION by Hornkohl, second by Cote to introduce Ordinance Amendment Z10-05 to amend the Manistee City Zoning Ordinance. Lengthy discussion followed. Council directed staff to re-write this ordinance amendment by allowing deep port shipping and warehousing facilities as a special use.

MOTION by Kenny, second by Cote to table the Ordinance Amendment Z10-05 until a future meeting.

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

AYES: Kenny, Cote, Hornkohl, Haydon, Yonkman, Marshall

NAYS: None

**#10-119 CONSIDERATION OF INTRODUCING ORDINANCE AMENDMENT Z10-06 TO THE MANISTEE CITY ZONING ORDINANCE.**

The Planning Commission held a public hearing on March 4, 2010 and voted to recommend City Council adopt Ordinance Amendment Z10-06 adding new Zoning District G-C Golf Course District.

This will be a first reading of the proposed Ordinance Amendment Z10-06. A second reading and possible adoption could take place at the October 19, 2010 Council meeting.

MOTION by Hornkohl, second by Cote to introduce Ordinance Amendment Z10-06 to amend the Manistee City Zoning Ordinance. Clarification on several items were discussed.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Haydon, Yonkman, Marshall

NAYS: None

**#10-120 CONSIDERATION OF INTRODUCING ORDINANCE AMENDMENT Z10-07 TO THE MANISTEE CITY ZONING ORDINANCE.**

The Planning Commission held a public hearing on March 4, 2010 and voted to recommend City Council adopt Ordinance Amendment Z10-07 amending Article 21 Signs (eliminates confusion for multi-tenant buildings, allows more signage, some signs will not require a permit, establishes consistent set-backs).

This will be a first reading of the proposed Ordinance Amendment Z10-07. A second reading and possible adoption could take place at the October 19, 2010 Council meeting.

MOTION by Hornkohl, second by Kenny to introduce Ordinance Amendment Z10-07 to amend the Manistee City Zoning Ordinance.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Haydon, Yonkman, Marshall

NAYS: None

**#10-121 A REPORT FROM THE COMMUNITY DEVELOPMENT OFFICE AND THE BUILDING INSPECTOR.**

Mr. Jon Rose reported on the activities of the Community Development Office and responded to questions the Council had regarding their activities.

Mr. Mark Niesen reported on the activities of the Building Inspector's Office and responded to questions the Council had regarding their activities.

**CITIZEN COMMENT.**

Carey Cuddeback, 272 Lakeshore Drive N, spoke on behalf of the Citizens for Responsible Government stating they will be having a Town Hall Meeting to Meet the Candidates on Saturday, October 23 from 9-10:30 a.m.

Rick Schrock, 603 Harvard Lane, voiced several concerns in regards to the Marina building construction project.

Linda Albee, 365 Lighthouse Way S, spoke on behalf of the League of Women Voters stating they will be holding a Candidate Forum at Manistee High School on Thursday, October 14 from 7-9 p.m. She also requested updates on the Marina project and First Street be published in the newspaper for the benefit of the citizens of Manistee.

Julie Raymond and Nancy Day, West Shore Health Care Foundation, spoke on Paint the Town Pink events and invited all to participate.

**OFFICIALS AND STAFF.**

Deisch stated the Operational Service Assessment and the Citizens Research Council Benchmark Reports will be presented at the Work Session to be held next Tuesday, October 12<sup>th</sup> at 7 p.m.

Bachman asked Council for direction on how to proceed with the deer herd management in the city limits. Consensus of Council was *not* to have a deer hunt at this time.

**COUNCILMEMBERS.**

Haydon asked the City Manager to contact the State of Michigan in regards to the Pere Marquette presentation given by Bob Adams at the last work session. She also stated that staff will be working on blight, feral cats, and vicious dogs – all are important issues.

**#10-122 CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION.**

City Manager Mitch Deisch has requested an Executive Session this evening as permitted by the Open Meetings Act, Section 8 (c) to discuss contract negotiations with the United Steelworkers, the International Association of Firefighters, the Police Officers Association of Michigan and the Command Officers

Association of Michigan.

MOTION by Cote, second by Hornkohl to adjourn to Executive Session. Time: 8:43 p.m.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Haydon, Yonkman, Marshall

NAYS: None

MOTION by Hornkohl, second by Cote to return to Regular Session. Time: 9:25 p.m.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Haydon, Yonkman, Marshall

NAYS: None

**#10-123 CONSIDERATION OF A ONE YEAR LABOR AGREEMENT, USWA LOCAL 14758.**

MOTION by Hornkohl, second by Kenny to approve a one year labor agreement ending June 30, 2011 with the United Steelworkers (USW) Local 14758 and authorize the Mayor and City Clerk to execute the agreement.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Haydon, Yonkman, Marshall

NAYS: None

**#10-124 CONSIDERATION OF A ONE YEAR LABOR AGREEMENT, POAM.**

MOTION by Hornkohl, second by Kenny to approve a one year labor agreement ending June 30, 2011 with the Police Officers Association of Michigan (POAM) and authorize the Mayor and City Clerk to execute the agreement.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Haydon, Yonkman, Marshall

NAYS: None

**#10-125 CONSIDERATION OF A ONE YEAR LABOR AGREEMENT, COAM.**

MOTION by Hornkohl, second by Kenny to approve a one year labor agreement ending June 30, 2011 with the Command Officers Association of Michigan (COAM) and authorize the Mayor and City Clerk to execute the agreement.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Haydon, Yonkman, Marshall

NAYS: None

**#10-126 CONSIDERATION OF A ONE YEAR LABOR AGREEMENT, IAFF.**

MOTION by Hornkohl, second by Kenny to approve a one year labor agreement ending June 30, 2011 with the International Association of Firefighters (IAFF) and authorize the Mayor and City Clerk to execute the agreement.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Haydon, Yonkman, Marshall

NAYS: None

**ADJOURN.**

MOTION to adjourn was made by Hornkohl, second by Cote. Meeting adjourned at 9:28 p.m.

Michelle Wright CMC/CPFA  
City Clerk/Deputy Treasurer