
PROCEEDINGS OF THE MANISTEE CITY COUNCIL – May 21, 2019

A regular meeting of the Manistee City Council was called to order by his honor, Mayor Roger Zielinski on Tuesday, May 21, 2019 at 7:00 pm in the City Hall Council Chambers, 70 Maple Street, followed by the Pledge of Allegiance.

PRESENT: Dale Cooper, Lynda Beaton, Roger Zielinski, Michael Szymanski, James Grabowski and Erin Pontiac

ABSENT: Robert Goodspeed

ALSO PRESENT: City Manager – Thad Taylor, City Attorney – George Saylor, Deputy Clerk – Lora Laurain, DPW Director – Jeff Mikula, Finance Director – Edward Bradford and City Engineer – Shawn Middleton

A moment of silence was observed by Councilmembers and those in attendance in memory of Alto Goodspeed, father of Robert Goodspeed, who served as City of Manistee Police and Fire Dept. Chaplain for a number of years.

CITIZEN COMMENTS ON AGENDA RELATED ITEMS

Mike Herbert, 306 Hancock St. – spoke regarding the proposed recreational marihuana ordinance and also regarding the proposed fire ordinance.

Valerie Bergstrom, 1224 Critter Tr., DDA board member – introduced prospective new DDA Executive Director Caitlyn Berard and encouraged Council to confirm her hiring.

Caitlyn Berard, 162 Ottawa Dr., Pontiac – provided her educational and professional background and stated that she hopes to work together with the Council in the future.

David Holmer, 909 High St. – asked Council to table the proposed fire ordinance.

CONSENT AGENDA

- Minutes
 - May 7, 2019
 - May 14, 2019
 - Regular Meeting
 - Work Session

- Financial Reports
 - Payroll April 2019
 - Invoices April 2019

- **CONSIDERATION OF ORDINANCE 19-14 CHAPTER 867 RECREATIONAL MARIHUANA**

The City Attorney has drafted Ordinance 19-14 Chapter 867 Recreational Marihuana, to address the authorization of marihuana establishments, operational standards for marihuana grower establishments, safety compliance establishments, secure transporter establishments, microbusiness establishments, and marihuana retailers within the City of Manistee.

PROCEEDINGS OF THE MANISTEE CITY COUNCIL – May 21, 2019

Authorization for the ordinance adoption comes from Initiated Law 1 of 2018 as was approved by voters at the November 6, 2018 election.

As an ordinance two separate readings are required. This ordinance was introduced at the May 7, 2019 meeting and could be adopted at this time.

- **CONSIDERATION OF ORDINANCE 19-15 AMENDING CHAPTER 288 PEG COMMISSION**

The PEG Commission has had difficulty attracting new members and establishing a quorum for its meetings. Consequently the PEG Commission has requested that the City consider reducing the number of members from seven to five. The hope is that the reduced number will make finding new members more manageable and also allow for the presence of three members to establish a quorum for meetings. The City Attorney has prepared Ordinance 19-15 to address the requests of the PEG Commission.

As an ordinance two separate readings are required. This ordinance was introduced at the May 7, 2019 meeting and could be adopted at this time.

- **CONSIDERATION OF ORDINANCE 19-16 AMENDMENT TO CHAPTER 282 DOWNTOWN DEVELOPMENT AUTHORITY**

The Downtown Development Authority Act was repealed and replaced with similar provisions with the Recodified Tax Increment Financing Act. Ordinance 19-16 corrects Chapter 282 by reflecting the correct authorizing legislation for the DDA. In addition, the Ordinance reflects that the Chief Executive Officer for the City is the Mayor, while the current view is that the proper person to identify as the Chief Executive Officer for the City of Manistee is the City Manager.

As an ordinance two separate readings are required. This ordinance was introduced at the May 7, 2019 meeting and could be adopted at this time.

- **NOTIFICATION REGARDING NEXT WORK SESSION**

A Council work session has been scheduled for Tuesday, June 11, 2019 at 7:00 p.m. 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 AMERICAN LEGION POPPY SALES**

In honor of the United States of America Veterans, the American Legion Auxiliary, Post 10 is requesting permission to distribute American Legion Poppies in the City of Manistee at various locations on the following dates: May 22, 23, and 24, 2019. This event is their annual fundraiser.

MOTION by Cooper, second by Szymanski to approve the Consent Agenda as presented.

With a roll call vote this motion passed unanimously.

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

NAYS: *None*

PROCEEDINGS OF THE MANISTEE CITY COUNCIL – May 21, 2019

CONSIDERATION OF APPROVING THE DOWNTOWN DEVELOPMENT AUTHORITY PROPOSED BUDGET FOR FISCAL YEAR 2019-2020

The City of Manistee is required by state statute to approve the budget of the Downtown Development Authority (DDA) before it can be adopted by the Downtown Development Board. The DDA presented their proposed budget to City Council at the April 16, 2019 City Council work session. If approved by Council, the Downtown Development Authority Board must still hold a public hearing on their budget and vote to adopt it.

MOTION by Szymanski, second by Grabowski to approve the Downtown Development Authority's proposed budget for Fiscal Year 2019-2020.

With a roll call vote this motion passed unanimously.

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

NAYS: *None*

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.

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 Beaton, second by Cooper to introduce Zoning Ordinance Z19-11 amending Article 2, Article 3, Article 5, and Article 18 of the Manistee City Zoning Ordinance.

With a roll call vote this motion passed unanimously.

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

NAYS: *None*

CONSIDERATION OF ORDINANCE 19-17 CHAPTER 866 MEDICAL MARIHUANA

The City Attorney has drafted Ordinance 19-17 amending 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.

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

PROCEEDINGS OF THE MANISTEE CITY COUNCIL – May 21, 2019

City Attorney Saylor clarified that the corrected version of proposed Ordinance 19-17 which removes the sections regarding not dispensing and no signage has been distributed to Council and is the Ordinance being presented.

MOTION by Beaton, second by Szymanski to introduce Ordinance 19-17, Chapter 866 Medical Marihuana.

With a roll call vote this motion passed unanimously.

AYES: *Cooper, Beaton, Zielinski, 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. If this ordinance is introduced this evening, it could be adopted at the next regular meeting.

MOTION by Beaton, second by Grabowski to introduce Ordinance 19-18 amending Chapter 1610 International Fire Code.

With a roll call vote this motion passed unanimously.

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

CONSIDERATION OF CONFIRMING CAITLYN BERARD AS THE NEW FULLTIME EXECUTIVE DIRECTOR FOR THE MANISTEE DOWNTOWN DEVELOPMENT AUTHORITY

Over the past several weeks the Recruitment Committee of the DDA Board has been interviewing candidates for the DDA Executive Director position. Caitlyn Berard was recommended to the DDA Board for this position at a special meeting held Tuesday, May 14, 2019. The DDA Board approved the hiring of Ms. Berard and is now recommending final approval to City Council.

MOTION by Szymanski, second by Beaton to accept the recommendation of the DDA Board and approve the hiring of Caitlyn Berard as the new Manistee Downtown Development Authority Executive Director.

With a roll call vote this motion passed unanimously.

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

CONSIDERATION OF A LOCAL PAVEMENT WARRANTY PROGRAM

The Michigan Legislature created a requirement for all cities and villages in Michigan to adopt and implement a Local Pavement Warranty Program. The program creates a consistent method for communities to consider warranty requirements for paving projects over \$2 million utilizing State or Federal funding.

MOTION by Grabowski, second by Szymanski to approve a Resolution to Adopt and a Resolution to Implement for a Local Pavement Warranty Program.

With a roll call vote this motion passed unanimously.

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

NAYS: *None*

CONSIDERATION OF PURCHASING A WESTERN STAR SINGLE AXLE PLOW TRUCK AND EQUIPMENT

The adopted Fiscal Year 2019-2020 Budget includes \$180,000 for the purchase of a plow truck. MiDeal quotes were received from D & K Truck Company for the cab and chassis in the amount of \$107,202 and Truck & Trailer Specialties for the equipment in the amount of \$67,425; for a total cost of \$174,627. Financing will be competitively bid through the Finance Department prior to delivery.

MOTION by Szymanski, second by Cooper to approve the Department of Public Works to accept the proposals from D & K Truck Company and Truck & Trailer Specialties for a 2020 Western Star 4700 plow truck and associated equipment package.

With a roll call vote this motion passed unanimously.

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

NAYS: *None*

CONSIDERATION OF PEG COMMISSION BYLAW AMENDMENTS

The PEG Commission took action at their April 1, 2019 meeting to review and approve changes to their bylaws. Amendments include reducing membership from seven (7) members to five (5) and reducing meeting quorum from four (4) members to three (3).

MOTION by Grabowski, second by Pontiac to approve amendments to the bylaws of the Manistee PEG Commission and authorize the Mayor to execute the document.

With a roll call vote this motion passed unanimously.

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

NAYS: *None*

CONSIDERATION OF A LOT SPLIT AT 480 WATER STREET

A request has been received from Mr. Denis Johnson, owner of 480 Water Street to split parcel 51-365-701-01; the east 15 feet of Lot 6 and all of Lot 5, Block 1 of the C. E. Marsh's Addition to the neighboring parcel immediately to the west, parcel 51-365-701-13. The Planning Commission has reviewed and recommends this action. County Planner Rob Carson also recommends this property split.

MOTION by Cooper, second by Beaton to approve a lot split for Denis Johnson, 480 Water Street, a portion of parcel 51-365-701-01 to parcel 51-365-701-13.

With a roll call vote this motion passed unanimously.

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

NAYS: *None*

A REPORT FROM THE DEPARTMENT OF PUBLIC WORKS

Mr. Jeff Mikula reported on the activities of the Department of Public Works and responded to questions the Council had regarding their activities.

CITIZEN COMMENT

David Holmer, 909 High St. – spoke regarding the proposed fire ordinance.

OFFICIALS AND STAFF

Middleton updated Council on the NPDS permit, requirements for the Rural Development grant and construction of Phases I and II of the Wastewater Improvement Program.

COUNCILMEMBERS

Cooper presented birthday cards and work anniversary cards to City employees.

Beaton apologized to DDA Board Members for a misunderstanding, congratulated West Shore Community College on their purchase of the former Glik's building. Beaton expressed concern about the closing of the maternity ward at Munson Healthcare Manistee Hospital and encouraged citizens to reach out to their other government representatives about the closing.

Szymanski expressed condolences to Chip Goodspeed on the loss of his father. Szymanski welcomed new DDA Executive Director Caitlyn Berard to the Manistee community. Szymanski also clarified the proposed fire ordinance requirements.

Grabowski inquired about publicizing the upcoming 12th Street construction project.

PROCEEDINGS OF THE MANISTEE CITY COUNCIL – May 21, 2019

Pontiac commended City employees and community members for their work on Tightlines for Troops and wished everyone a Happy Memorial Day.

Zielinski welcomed Caitlyn Berard as the new DDA Executive Director and looks forward to working together with her. Zielinski also expressed he is pleased with the WSCC purchase of the former Glik's building and the recent Tightlines for Troops.

ADJOURN

MOTION to adjourn was made by Szymanski. Meeting adjourned at 8:10 pm.

Lora Y Laurain
City Deputy Clerk