

PROCEEDINGS OF THE MANISTEE CITY COUNCIL – December 18, 2012

A regular meeting of the Manistee City Council was called to order by her honor, Mayor Colleen Kenny on Tuesday, December 18, 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, Robert Hornkohl, Ilona Haydon, Catherine Zaring, Beth Adams, and Eric Gustad.

ALSO PRESENT: City Manager – Mitch Deisch, City Attorney – George Saylor, City Clerk – Michelle Wright, City Assessor – Julie Beardslee, Community Development Director – Jon Rose, and Finance Director – Ed Bradford.

CITIZEN COMMENTS ON AGENDA RELATED ITEMS.

L.B. Bacon – Harborview Apartments, commented on his proposed removal from the Housing Commission.

CONSENT AGENDA.

- Minutes - December 4, 2012 - Regular Meeting
- December 11, 2012 - Work Session
- Payroll - Nov. 26 – Dec. 9, 2012 - \$ 132,097.91
- Monthly Bills - November 8, 2012 - \$ 837,718.75
- November 27, 2012 - \$ 292,894.88
- Notification Regarding Next Work Session – January 8, 2013
A discussion will be conducted on project updates; and such business as may come before the Council.

MOTION by Haydon, second by Zaring to approve the Consent Agenda as presented.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Scrimger, Hornkohl, Haydon, Zaring, Adams, and Gustad

NAYS: None

CONSIDERATION OF SUPPORTING HOUSING COMMISSION RESOLUTION 2012-27 BY REMOVING A MEMBER OF THE HOUSING COMMISSION.

The Mayor and City Council have been requested to support Housing Commission Resolution 2012-27 requesting the removal of Housing Commissioner L. B. Bacon from his position as a commissioner. City

of Manistee Codified Ordinance Chapter 270 Housing Commission Section 270.02 Appointments states, "The Mayor of the City is hereby directed to appoint members of the Housing Commission with the consent and approval of the other members of the City Council."

MOTION by Hornkohl, second by Zaring to support Manistee Housing Commission Resolution 2012-27. Concerns were voiced that this is the first Council has heard of these issues with the Housing Commission and would like more time to consider this item.

MOTION by Haydon, second by Zaring to table this resolution. Discussion followed. A joint meeting of the City Council and the Housing Commission will be scheduled in the near future.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Scrimger, Hornkohl, Haydon, Zaring, Adams, and Gustad

NAYS: None

CONSIDERATION OF A PARCEL SPLIT AND COMBINATION, JANOWIAK / HAASE.

On December 6, 2012 the Planning Commission reviewed and recommended Council approval of a request from Mike Janowiak, owner of parcel 51-144-706-07 to split the south 40 feet off the parcel which would then be combined with parcel 51-144-706-15 owned by Robert and Traci Haase.

MOTION by Haydon, second by Hornkohl to approve the split off the south 40 feet of parcel 51-144-706-07 which would then be combined with parcel 51-144-706-15.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Scrimger, Hornkohl, Haydon, Zaring, Adams, and Gustad

NAYS: None

CONSIDERATION OF ORDINANCE Z12-09 AMENDING ARTICLE 25 ZONING BOARD OF APPEALS.

Staff discovered a conflict with the language for alternates who serve on the Zoning Board of Appeals. The Planning Commission held a public hearing at their meeting on December 6, 2012 that would amend Article 25 Zoning Board of Appeals to reflect the language in the Zoning Enabling Act.

The City Attorney reviewed the proposed amendment and recommended changes to the language.

This would be the first reading of the proposed Ordinance Amendment Z12-09. A second reading and possible adoption could take place at the January 2, 2013 Council meeting.

MOTION by Hornkohl, second by Zaring to introduce Ordinance Z12-09 amending Article 25 Zoning Board of Appeals.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Scrimger, Hornkohl, Haydon, Zaring, Adams, and Gustad
NAYS: None

CONSIDERATION OF ORDINANCE 12-10 AMENDING CHAPTER 1220 PLANNING COMMISSION OF THE CODIFIED ORDINANCES.

Prior to changes in the Michigan Planning Enabling Act of 2008 cities with populations of more than 5,000 were required to have nine members on their Planning Commission. Now municipalities can chose to have five, seven or nine members on their Planning Commission.

Currently there are two vacancies on the Planning Commission. At their November 1, 2012 meeting the Planning Commission made a motion to recommend to City Council to amend Chapter 1220 Planning Commission by reducing the number of Planning Commissioners from nine to seven.

The City Attorney reviewed and recommended changes to Chapter 1220.

This will be the first reading of the proposed Ordinance Amendment 12-10. A second reading and possible adoption could take place at the January 2, 2013 Council meeting.

MOTION by Haydon, second by Hornkohl to introduce Ordinance 12-10 amending Chapter 1220 Planning Commission of the Code of Ordinances by reducing the number of Planning Commissioners from nine to seven.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Scrimger, Hornkohl, Haydon, Zaring, Adams, and Gustad
NAYS: None

CONSIDERATION OF CITY COUNCIL RESOLUTION TO APPROVE OF POVERTY EXEMPTION GUIDELINES (INCLUDING FEDERAL POVERTY INCOME STANDARDS FOR 2013 ASSESSMENTS AND ASSET LEVEL FOR 2013 ASSESSMENTS).

The adoption of the Resolution of Guidelines for Poverty Exemption from Property Tax for 2013 Assessed and Taxable Values is required of the Manistee City Council in order for the Board of Review to grant poverty exemptions from property taxation. The homestead of persons who the Board of Review determines by reason of poverty to be unable to contribute to the public charge, is eligible for exemption in whole or in part from taxation under Public Act 390, 1994 (MCL 211.7u). The guidelines include, but are not limited to, the specific income and asset levels of the claimant and all persons residing in the household.

MOTION by Hornkohl, second by Haydon to approve the Resolution of Guidelines for Poverty Exemption from Property Tax for 2013 Assessed and Taxable Value.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Scrimger, Hornkohl, Haydon, Zaring, Adams, and Gustad
NAYS: None

CONSIDERATION OF APPLICATIONS TO BOARDS AND COMMISSIONS.

The City Clerk has taken action to advertise vacancies on the Board of Review, Brownfield Redevelopment Authority, Compensation Commission, PEG Commission, and the Zoning Board of Appeals.

All appointments by the Mayor are subject to the Council’s approval, unless otherwise specified by statute or ordinance. Nominations for Council appointments do not require a second. After a member of Council nominates an individual for appointment, Council shall vote on the nomination. A majority vote in favor of placement of the nominee is required for appointment.

The following applications have been received:

BOARD OF REVIEW - One vacancy (regular member), three-year term ending 12/31/15; Council appointment. Applicants shall be taxpaying electors of the City who are owners of property assessed for taxes in the City and, at the time of their appointment, are neither elected or appointed officials of the City.

Lynda Beaton, 256 Hughes Street*

BROWNFIELD REDEVELOPMENT AUTHORITY - One unexpired term ending 6/30/14; Mayoral appointment.

None received.

COMPENSATION COMMISSION - Two vacancies, five-year terms ending 9/30/17; Mayoral appointment.

None received.

PEG COMMISSION - Three vacancies, three-year terms ending 12/31/15; Council appointment.

Alan Marshall, 914 Vine Street*

ZONING BOARD OF APPEALS - One vacancy (alternate member), unexpired term ending 5/31/15; Mayoral appointment.

None received.

*Incumbent

Haydon nominated Ms. Lynda Beaton – 256 Hughes Street as a regular member to the Board of Review for a three year term ending 12/31/15.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Scrimger, Hornkohl, Haydon, Zaring, Adams, and Gustad
NAYS: None

Haydon nominated Mr. Alan Marshall – 914 Vine Street to the PEG Commission for a three year term ending 12/31/15.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Scrimger, Hornkohl, Haydon, Zaring, Adams, and Gustad

NAYS: None

CONSIDERATION OF COUNCIL COMMITTEE APPOINTMENTS.

Mayor Kenny made the following Council Committee appointments:

Alternatives for Area Youth – Deisch

Auditing Committee – Scrimger, Kenny, Adams

Local Revenue Sharing Board – Kenny

MRA Board – Deisch

AES Board – Deisch

Oil & Gas Investment Board – Kenny, Zaring, Bradford

Ordinance Committee – Hornkohl, Gustad, Zaring

Personnel Committee – Hornkohl, Kenny, Gustad

Utilities Committee – Hornkohl, Scrimger, Zaring

911 Board Authority - Gustad

A REPORT FROM THE CITY MANAGER.

The City Manager's Office annually prepares a review of calendar year activities. That review provides the Council and the Community an opportunity to step back from day to day activities and take a longer look at what has been accomplished. City Manager Mitchell D. Deisch and Staff have compiled a comprehensive report on the 2012 Highlights for the City of Manistee.

CITIZEN COMMENT.

None received.

OFFICIALS AND STAFF.

Beardslee stated that there is an unexpected opening on the Board of Review and asked Council for their help in recruiting a new member.

COUNCILMEMBERS.

Haydon thanked Mr. Parkes for his past service on the Board of Review.

ADJOURN.

MOTION to adjourn was made by Hornkohl, second by Zaring. Meeting adjourned at 8:18 p.m.

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