

PROCEEDINGS OF THE MANISTEE CITY COUNCIL – June 18, 2013

A regular meeting of the Manistee City Council was called to order by her honor, Mayor Colleen Kenny on Tuesday, June 18, 2013 at 7:00 p.m. in the City Hall Council Chambers, 70 Maple Street, followed by the Pledge of Allegiance.

PRESENT: Colleen Kenny, Robert Hornkohl, Robert Goodspeed, Catherine Zaring, Beth Adams, and Eric Gustad.

ABSENT: Edward Cote.

ALSO PRESENT: City Manager – Mitch Deisch, City Attorney – George Saylor, City Clerk – Michelle Wright, Community Development Director – Jon Rose, Finance Director – Ed Bradford, and City Engineer – Corey Kadow/Abonmarche Consultants.

PUBLIC HEARING ON PROPOSED FIREWORKS ORDINANCE.

At the work session of June 11, 2013 City Council considered proposed fireworks ordinance language prepared by the City Attorney in response to proposed State Legislation on this subject. No action is anticipated at the conclusion of the public hearing. However, this item is on the agenda for consideration later this evening.

The public was invited to speak on the proposed fireworks ordinance language. *No comments were received.*

Public hearing closed at 7:03 p.m.

CITIZEN COMMENTS ON AGENDA RELATED ITEMS.

None received.

CONSENT AGENDA.

- Minutes - June 4, 2013 - Regular Meeting
- June 11, 2013 - Work Session
- Payroll - May 27 – June 9, 2013 - \$ 120,739.60
- Monthly Bills - May 2, 2013 - \$ 274,000.56
- May 22, 2013 - \$ 227,818.27
- Notification Regarding Next Work Session – July 9, 2013
A discussion will be conducted on project updates; and such business as may come before the Council.

- Consideration of Annual Forest Festival Activities.
A request has been received from the Manistee Area Chamber of Commerce to authorize the annual Forest Festival Parade and other events beginning Wednesday, July 3 and running through Sunday, July 7, 2013. The proposed schedule has been attached and includes parades, fireworks, carnival, hospitality tent, arts & crafts show and special events for the kids.
- Consideration of Annual Paint the Town Pink Walk.
The West Shore Healthcare Foundation is requesting to conduct their annual Paint the Town Pink Walk on Thursday, October 3, 2013 beginning at Cornerstone Park. Social hour will be from 4 to 5 p.m., with a short ceremony to follow. Participants will walk the Riverwalk to the House of Flavors and then follow River Street back to Cornerstone Park. River Street merchants are asked to decorate in pink for the cause. Other “pink” events are being put on in the area by other organizations, bringing the community together.

MOTION by Hornkohl, second by Goodspeed to approve the Consent Agenda as presented.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Hornkohl, Goodspeed, Zaring, Adams, and Gustad
NAYS: None

CONSIDERATION OF BUDGET AMENDMENT 2013-1 FOR FISCAL YEAR END JUNE 30, 2013.

The City of Manistee is required by State law to ensure that actual expenditures do not exceed budgeted amounts. Over the course of the current fiscal year, unanticipated and unbudgeted events and/or Council approved expenditures have occurred. The proposed budget amendment addresses the expenditures associated with these events and attempts to project what final year-end expenditures will be to avoid any year-end negative budget variances.

MOTION by Hornkohl, second by Zaring to adopt budget amendment 2013-1 for fiscal year ending June 30, 2013.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Hornkohl, Goodspeed, Zaring, Adams, and Gustad
NAYS: None

CONSIDERATION OF ADOPTING AN EMERGENCY FIREWORKS ORDINANCE.

City Charter Section 4-3 C. Emergency Ordinances allows Council to immediately adopt ordinances necessary for the preservation of public peace, health, morals, safety or welfare and may be given immediate effect after their enactment after receiving five affirmative votes of City Council. The emergency and effective date shall be declared therein. The proposed Fireworks Ordinance language was reviewed by Council at the June 11, 2013 work session and during a public hearing earlier this

evening.

MOTION by Hornkohl, second by Goodspeed to take action under Charter Section 4.3 C to enact Emergency Ordinance 13-01 to limit the use of commercial fireworks; find that numerous complaints were received by the City over the 2012 July 4th holiday regarding the indiscriminate use of commercial fireworks that disturbed the peace of the public; and that enactment of the ordinance with an effective date of June 28, 2013 and without a second reading is necessary in order for it to be effective prior to the July 4, 2013 holiday; and in order to preserve the public peace over the July 4, 2013 holiday.

Lengthy discussion and clarification followed. MOTION TO AMEND the original motion by Zaring, second by Hornkohl to exclude the regulation of commercial fireworks on all days except federal holidays.

A roll call vote on the amended motion was taken. Amended motion failed, 2-4.

AYES: Kenny and Zaring
NAYS: Hornkohl, Goodspeed, Adams, and Gustad

A roll call vote on the original motion failed, 4-2. Five affirmative votes were needed for enactment.

AYES: Kenny, Hornkohl, Goodspeed, and Zaring
NAYS: Adams and Gustad

CONSIDERATION OF BROWNFIELD REDEVELOPMENT AUTHORITY BYLAWS.

On June 4, 2013 the City of Manistee Brownfield Redevelopment Authority (BRA) amended their bylaws. The BRA amended Section 2.7 which schedules quarterly meetings instead of a monthly meeting and Section 3.2 which changes the election of officers from the third calendar quarter to January.

MOTION by Hornkohl, second by Zaring to adopt bylaws for the Brownfield Redevelopment Authority and authorize the Mayor to execute the document.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Hornkohl, Goodspeed, Zaring, Adams, and Gustad
NAYS: None

CONSIDERATION OF REDUCING NUMBER OF BROWNFIELD REDEVELOPMENT AUTHORITY MEMBERS.

Currently there is one vacancy on the Brownfield Redevelopment Authority. Due to ongoing difficulties in getting applicants for the BRA Board of Directors and to ensure a quorum for meetings, the BRA members decided at their June 4, 2013 meeting to request City Council reduce the number of members from nine to seven. This reduction in membership does not require an ordinance amendment.

MOTION by Zaring, second by Hornkohl to reduce the number of Brownfield Redevelopment Authority members from nine to seven.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Hornkohl, Goodspeed, Zaring, Adams, and Gustad
NAYS: None

CONSIDERATION OF A RESOLUTION OF SUPPORT, LAKES TO LAND COMPETITIVE GRANT ASSISTANCE PROGRAM.

On March 5, 2013 City Council approved the Agreement to Partner Collaborative Master Plan and Implementation Strategy with the Lakes to Land Regional Initiative. This will assist the Planning Commission with the public input component of rewriting the Master Plan. As a member of the Lakes to Land Regional Initiative, the City of Manistee is being asked for a Resolution of Support for a Competitive Grant Assistance Program Grant Award.

MOTION by Hornkohl, second by Zaring to authorize the Mayor and City Clerk to execute the Resolution of Support regarding the Lakes to Land Competitive Grant Assistance Program Grant Award.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Hornkohl, Goodspeed, Zaring, Adams, and Gustad
NAYS: None

CONSIDERATION OF APPLICATIONS TO BOARDS AND COMMISSIONS.

The City Clerk has taken action to advertise vacancies on the Downtown Development Authority, Non-Motorized Transportation Committee, Parks & Beautification Commission, Ramsdell Theatre Governing Authority, Tree 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. (**Incumbent*)

DOWNTOWN DEVELOPMENT AUTHORITY – Two vacancies, four-year terms ending 07/01/17, Mayoral appointment.

None received.

NON-MOTORIZED TRANSPORTATION COMMITTEE – One unexpired term ending 03/31/14, Mayoral appointment.

None received.

PARKS & BEAUTIFICATION COMMISSION – Three vacancies, two three-year terms ending 6/30/16 and one unexpired term ending 6/30/14, Council appointment.

Darci Scott, 127 Sibben Street*
Lynn Vasquez, 301 Sibben Street
John Rozga, 162 Quincy Street*
Jane Schimke, 722 Harbor Drive

Goodspeed nominated Lynn Vasquez – 301 Sibben Street to the Parks & Beautification Commission for a three year term ending 6/30/16.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Hornkohl, Goodspeed, Zaring, Adams, and Gustad
NAYS: None

Hornkohl nominated Jane Schimke – 722 Harbor Drive to the Parks & Beautification Commission for a three year term ending 6/30/16.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Hornkohl, Goodspeed, Zaring, Adams, and Gustad
NAYS: None

Goodspeed nominated Darci Scott – 127 Sibben Street to the Parks & Beautification Commission for the unexpired term ending 6/30/14.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Hornkohl, Goodspeed, Zaring, Adams, and Gustad
NAYS: None

RAMSDELL THEATRE GOVERNING AUTHORITY – Two vacancies, three-year terms ending 6/30/16, Mayoral appointment.

JoAnn Muma, 87 Greenbush Street*
Nancy Lyon, 280 Lighthouse Circle*

Mayor Kenny appointed JoAnn Muma – 87 Greenbush Street to the Ramsdell Theatre Governing Authority for three year term ending 6/30/16. Appointment supported by Hornkohl.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Hornkohl, Goodspeed, Zaring, Adams, and Gustad
NAYS: None

Mayor Kenny appointed Nancy Lyon – 280 Lighthouse Circle to the Ramsdell Theatre Governing Authority for three year term ending 6/30/16. Appointment supported by Zaring.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Hornkohl, Goodspeed, Zaring, Adams, and Gustad
NAYS: None

TREE COMMISSION – One unexpired term ending 12/31/14, Mayoral appointment.

Janice Waterman, 1010 Maple Street

Mayor Kenny appointed Janice Waterman – 1010 Maple Street to the Tree Commission to fill the unexpired term ending 12/31/14. Appointment supported by Goodspeed.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Hornkohl, Goodspeed, Zaring, Adams, and Gustad
NAYS: None

ZONING BOARD OF APPEALS – Alternate member for one unexpired term ending 5/31/15, Mayoral appointment.

None received.

CITIZEN COMMENT.

Terri Miller – 500 Birch Street informed Council of a neighbor that has several chickens and ducks in the backyard; a petition for the removal of the chickens and ducks was distributed and signed by others in the neighborhood citing the smell, noise, and unsightliness as being a blight to the neighborhood; asked if there was anything that could be done. Deisch responded.

Fred Walter – 315 St. Mary’s Parkway was sorry that Council did not pass the noise/fireworks ordinance; asked for clarification on the definition of commercial fireworks; also stated that street signs were too high up on the pole and requested they be lowered.

Marlene McBride – 217 River Street is glad Council is reviewing an ordinance on what can be done to eliminate blight (odor, noise, etc.); asked if there was a committee timeline to put this together.

Sue Morris – 500 Birch Street questioned if there is an ordinance regarding the animals and the person has been talked to, why hasn’t there been a fine issued?

Bob Grabowski – 341 Fourth Street stated that if we have chickens in the neighborhood, they will attract rats, raccoons and fox into the neighborhood.

OFFICIALS AND STAFF.

Wright stated that petitions for the 2nd, 4th, and 6th City Council seats are available, they will be on the ballot in November, and are due back on August 13th.

Deisch received an e-mail from Phil & Mary Polyck praising their stay at the Municipal Marina; he also reminded Council that Mayor's Exchange at Boyne City is this Friday.

Rose informed Council of a Lakes to Land workshop in Arcadia on June 27th at 6 p.m.

COUNCILMEMBERS.

Hornkohl wanted to inform those that signed the petitions that we will work as hard and fast as we can on the issue.

Goodspeed asked about the possibility of placing stop signs at the school intersections of Sixth & Maple Streets and Twelfth & Maple Streets.

ADJOURN.

MOTION to adjourn was made by Goodspeed, second by Zaring. Meeting adjourned at 8:49 p.m.

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