

**PROCEEDINGS OF THE MANISTEE CITY COUNCIL – February 1, 2011**

A regular meeting of the Manistee City Council was called to order by his honor, Mayor Richard Mack on Tuesday, February 1, 2011 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, Catherine Zaring, Richard Mack, and Alan Marshall.

ALSO PRESENT: City Manager – Mitch Deisch, City Attorney – George Saylor, City Clerk – Michelle Wright, City Assessor – Julie Beardslee, Community Development Director – Jon Rose, DPW Director – Jack Garber, Finance Director – Ed Bradford, Acting Fire Chief – Timm Smith, and Police Chief – Dave Bachman.

**CITIZEN COMMENTS ON AGENDA RELATED ITEMS.**

*None received.*

**#11-11 CONSENT AGENDA.**

Consent agenda items include:

- Minutes - January 18, 2011 - Regular Meeting
- Payroll - January 17–23, 2011 - \$ 57,550.56  
- January 24-30, 2011 - \$ 52,647.29
- Monthly Bills - January 12, 2011 - \$ 1,153,607.05  
- January 26, 2011 - \$ 574,924.85
- Cash Balances Report - December 2010
- Notification Regarding Next Work Session – February 8, 2011 at 5:30 p.m.  
A discussion will be conducted on the Strategic Plan and Public Safety; and such business as may come before the Council.
- Consideration of Proclaiming June as Scleroderma Awareness Month.  
The Michigan Chapter of the Scleroderma Foundation has requested a proclamation to be granted and observed for the month of June 2011.

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, Zaring, Mack, Marshall  
NAYS: None

**#11-12 CONSIDERATION OF BYLAW AMENDMENTS, MANISTEE PEG COMMISSION.**

The Manistee PEG Commission has recommended several changes to update their bylaws. Some of the changes include adding the language on board absences as directed by City Council in June 2009; making the wording of the document gender neutral; adding the requirement for an annual review of the bylaws; and the requirement of obtaining Council approval of any amendments to the bylaws.

MOTION by Hornkohl, second by Cote to adopt the Bylaws for the Manistee PEG Commission and authorize the Mayor to execute the document.

Marshall suggested that a committee be formed to consider joining some of the various boards and committees since membership on a lot of them seems to be an issue. Deisch said most committees are set up by ordinance and suggested having the Ordinance Committee review them.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Haydon, Zaring, Mack, Marshall  
NAYS: None

**#11-13 CONSIDERATION OF A RESOLUTION EXTENDING THE MEDICAL MARIHUANA MORATORIUM.**

The Michigan Medical Marihuana Act was approved by Michigan voters on November 4, 2009. On September 7, 2010 City Council adopted a resolution that established a six month moratorium relating to medical marihuana. That moratorium will end on March 6, 2011.

The Planning Commission has been working with the City Attorney and Chief of Police on an ordinance that requires licensing of locations where caretakers grow medical marihuana. There are pending court cases relating to how communities have enacted ordinances relating to medical marihuana. The request for an extension on the moratorium is from the City Attorney to allow time to review how the court is addressing these cases.

MOTION by Hornkohl, second by Haydon to adopt a resolution that places a 120 day extension on the moratorium on the issuance of any permits or licenses for the growing, dispensing, providing, sale or other distribution of marihuana under the Michigan Medical Marihuana Act. Several questions were raised, with the City Attorney and Jon Rose responding.

With a roll call vote this motion passed, 6-1.

AYES: Kenny, Cote, Hornkohl, Haydon, Zaring, Mack  
NAYS: Marshall

**#11-14      CONSIDERATION OF INTRODUCING ORDINANCE AMENDMENT #Z11-01 TO THE MANISTEE CITY ZONING ORDINANCE.**

The Planning Commission held a public hearing on April 1, 2010 and on May 6, 2010 voted to recommend City Council adopt Ordinance Amendment #Z10-05. Council had several discussions regarding the amendment and the Ordinance has been renumbered to #Z11-01. Ordinance #Z11-01 changes 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 the first reading of proposed Ordinance Amendment #Z11-01. A second reading and possible adoption could take place at the March 1, 2011 Council meeting.

MOTION by Hornkohl, second by Haydon to introduce Ordinance Amendment #Z11-01 to amend the Manistee City Zoning Ordinance.

With a roll call vote this motion passed, 4-3.

AYES:      Hornkohl, Haydon, Zaring, Mack  
NAYS:      Kenny, Cote, Marshall

**#11-15      CONSIDERATION OF APPLICATIONS TO BOARDS AND COMMISSIONS.**

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

\*Incumbent

**BOARD OF CANVASSERS** - One vacancy, republican, four year term ending 12/31/14; Council appointment.

*None Received*

**BROWNFIELD REDEVELOPMENT AUTHORITY** - Two vacancies, three year terms ending 6/30/13; Mayoral appointment.

*None Received*

**COMPENSATION COMMISSION** - Two vacancies, one term ending 9/30/14 and one term ending 9/30/15; Mayoral appointment.

*None Received*

**HISTORIC DISTRICT COMMISSION** - One vacancy, unexpired term ending 2/28/12; Council appointment.

*None Received*

**HOUSING COMMISSION** - One vacancy (resident member), unexpired term ending 5/12; Mayoral appointment.

L. B. Bacon, 273 Sixth Avenue, Apt. 506

Mayor Mack appointed L.B. Bacon, 273 Sixth Avenue, Apt. 506 to the Housing Commission as a resident member to fill an unexpired term ending 5/2012. MOTION by Haydon, second by Zaring to support the Mayor's appointment.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Haydon, Zaring, Mack, Marshall

NAYS: None

**PEG COMMISSION** - One vacancy, unexpired term ending 12/31/12; Council appointment.

Daniel James Wrzesinski, 374 ½ Third Street\*

MOTION by Haydon, second by Hornkohl to appoint Daniel Wrzesinski, 374 ½ Third Street, to the PEG Commission to fill an unexpired term ending 12/31/2012.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Haydon, Zaring, Mack, Marshall

NAYS: None

**ZONING BOARD OF APPEALS** - One vacancy, unexpired term ending 5/31/11; Mayoral appointment.

Craig Schindlbeck, 420 Cedar Street\*

Mack appointed Craig Schindlbeck, 420 Cedar Street, to the Zoning Board of Appeals, regular member, to fill an unexpired term ending 5/31/2011. MOTION by Haydon, second by Hornkohl to support the Mayor's appointment. Wright suggested changing the appointment to a three year term ending 5/31/2014.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Haydon, Zaring, Mack, Marshall

NAYS: None

**#11-16 A REPORT FROM THE ALTERNATIVES FOR AREA YOUTH AND THE NON-MOTORIZED TRANSPORTATION COMMITTEE.**

Ms. Sheila Kaminski reported on the activities of the Alternatives for Area Youth and responded to questions the Council had regarding their activities.

Ms. Christa Johnson reported on the activities of the Non-Motorized Transportation Committee and responded to questions the Council had regarding their activities. She also presented the Mayor with the

Silver PAC Award which they received.

**#11-17 PRESENTATION ON THE STATE OF THE CITY BY CITY MANAGER MITCHELL DEISCH AND FINANCE DIRECTOR EDWARD BRADFORD.**

Presentation given by City Manager touching on the subjects of infrastructure, buildings, parks/boat ramps/marina, personnel, and financial position

**CITIZEN COMMENT.**

*None received.*

**OFFICIALS AND STAFF.**

*None received.*

**COUNCILMEMBERS.**

Zaring thanked Garber and the DPW crew for the wonderful job they did with snow removal downtown. It shows the extent employees go to help our community.

Mack commented on the Senate Finance Committee's move to eliminate Michigan Business Tax and also the Personal Property Tax. He also commented on his first "Mayor's Office Hours" which was held last Wednesday; received a copy of a downtown survey done in 2010, which he shared with Council and will respond back to them by 6/30/11.

**ADJOURN.**

MOTION to adjourn was made by Hornkohl, second by Cote. Meeting adjourned at 8:25 p.m.

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