

PROCEEDINGS OF THE MANISTEE CITY COUNCIL – October 2, 2012

A regular meeting of the Manistee City Council was called to order by her honor, Mayor Colleen Kenny on Tuesday, October 2, 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 Alan Marshall.

ALSO PRESENT: City Manager – Mitch Deisch, City Attorney – George Saylor, City Clerk – Michelle Wright, Community Development Director – Jon Rose, DPW Director – Jack Garber, and City Engineer – Jeff Mikula/Abonmarche.

CITIZEN COMMENTS ON AGENDA RELATED ITEMS.

None received.

CONSENT AGENDA.

- Minutes - September 18, 2012 - Regular Meeting
- Payroll - September 17 – 30, 2012 - \$ 111,696.03
- Cash Balances Report - August 2012
- Notification Regarding Next Work Session – October 9, 2012
Items will include a discussion with the Downtown Development Authority, discussion on deer herd management and project updates; and such business as may come before the Council.
- Consideration of MCC Homecoming Parade.
Manistee Catholic Central Schools requests permission to hold their annual homecoming parade on Friday, October 12 at 5 p.m. The parade would form at River/Division and end at Water Street. They expect 20 units and approximately 40 walkers.
- Consideration of Annual Fire Prevention Week Parade.
The Manistee County Fire Fighters Association requests permission to conduct their annual Fire Prevention Week parade on Saturday, October 6, 2012. The parade would assemble at 11 a.m. at Division and River Streets, travel west on River Street to Maple Street, turn south and travel to Twelfth Street, ending at Manistee Catholic Central.
- Consideration of Boos, Brews & Brats Event.
The Manistee Main Street Downtown Development Authority volunteer committee

requests authorization to host the Boos, Brews & Brats Festival on Saturday, October 27, 2012 in downtown Manistee. A full agenda for the day includes a farmers market (tentative), music, kid events, costume parade for kids and adults, a beer/music tent and a 1 mile Zombie Walk/Run.

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

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF ESTABLISHING RENEWAL RATES FOR RIVERFRONT LEASES.

On December 21, 2012 the current ten-year Riverfront Leases will expire. On September 11, 2012 City Council held a work session to discuss establishing the fees for the renewal of riverfront leases. The rates discussed at the work session are as follows:

\$22.01 per foot of frontage for years 2013, 2014, 2015

\$22.67 per foot of frontage for year 2016 (3% increase)

\$23.35 per foot of frontage for year 2017 (3% increase)

At their work session Council opted for a five-year lease instead of the current ten-year lease. New leases have been drafted and have been reviewed by the City Attorney.

MOTION by Hornkohl, second by Zaring to establish rates for five-year Riverfront Leases; and authorize the Mayor and City Clerk to execute the necessary documents.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF INTRODUCING ORDINANCE #12-05 AMENDING CHAPTER 288 PEG COMMISSION.

The PEG Commission has recommended a change in their ordinance language to broaden the membership on the PEG Commission. The new language would enable interested residents in Manistee County to participate on the commission. The Council Ordinance Committee, along with the City Attorney, has reviewed and recommends the proposed ordinance amendment. Filer Charter Township has also reviewed and approved the proposed changes. This would be the first reading of the proposed Ordinance Amendment #12-05. A second reading and possible adoption could take place at the October 16, 2012 Council meeting.

MOTION by Hornkohl, second by Zaring to introduce Ordinance Amendment #12-05 amending Chapter 288 PEG Commission. Brief discussion followed.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF ORDINANCE Z12-04 AMENDING SECTION 514 VEHICULAR PARKING SPACE, ACCESS AND LIGHTING.

This ordinance amends Section 514 Vehicular Parking Space, Access and Lighting of the Zoning Ordinance as recommended by the Planning Commission. Proposed changes include changing the required number of parking spaces for some uses; requires pedestrian walkways for parking lots with 10 or more spaces; establishes a 5 foot buffer (front property line); establishes Bike Parking for some uses; and requires the installation of sidewalks in some districts for certain uses. The City Attorney and the Council Ordinance Committee has reviewed and approved the proposed amendment.

This will be the first reading of proposed Ordinance Amendment Z12-04. A second reading and possible adoption could take place at the October 16, 2012 Council meeting.

MOTION by Haydon, second by Hornkohl to introduce Ordinance Z12-04 amending Section 514 Vehicular Parking Space, Access and Lighting of the City of Manistee Zoning Ordinance.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF ORDINANCE Z12-06 AMENDING SECTION 1813 BED AND BREAKFAST, ITEM B.1.h.

This ordinance amendment deletes Item B.1.h of Section 1813 Bed and Breakfast as recommended by the Planning Commission. This amendment deletes the item which establishes the number of sleeping rooms by Zoning District from the Special Use Permit Standards. The City Attorney and the Council Ordinance Committee has reviewed and approved the proposed amendment.

This will be the first reading of proposed Ordinance Amendment Z12-06. A second reading and possible adoption could take place at the October 16, 2012 Council meeting.

MOTION by Haydon, second by Zaring to introduce Ordinance Z12-06 amending Section 1813 Bed and Breakfast, Item B.1.h of the City of Manistee Zoning Ordinance.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF ORDINANCE Z12-07 AMENDING ARTICLE 2 DEFINITIONS AND SECTION 502 SPATIAL AND PHYSICAL REQUIREMENTS.

This ordinance amendment adds a definition for Outdoor Playset and Porch to Article 2 Definitions and amends Section 502 Spatial and Physical Requirements which allows people to construct porches on the front of their home in the front yard setback where they would have previously needed to obtain a variance from the Zoning Board of Appeals, encouraging interaction in neighborhoods. The City Attorney and the Council Ordinance Committee has reviewed and approved the proposed amendment.

This will be the first reading of proposed Ordinance Amendment Z12-07. A second reading and possible adoption could take place at the October 16, 2012 Council Meeting.

MOTION by Hornkohl, second by Marshall to introduce Ordinance Z12-07 amending Article 2 Definitions and Section 5-2 Spatial and Physical Requirements to the City of Manistee Zoning Ordinance. Discussion followed.

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

AYES: Kenny, Scrimger, Hornkohl, Zaring, Adams, and Marshall
NAYS: Haydon

CONSIDERATION OF ORDINANCE Z12-08 AMENDING PENINSULA DISTRICT STANDARDS, ARTICLE 5 GENERAL PROVISIONS, ARTICLE 18 STANDARDS AND REQUIREMENTS FOR SPECIAL USES AND ARTICLE 21 SIGNS.

The following Zoning Ordinance amendments have been prepared to address General Regulations, Special Use Permit Standards and Signage in the new Peninsula District (P-D) in the following sections of the ordinance:

Article 5: General Regulations – Section 505.B; Section 511.A and 515.G.3.a

Article 18: Standards and Requirements for Special Uses – 1807.C.2 and Section 1861.B.10

Article 21: Signs – Section 2101.A.7.a; Section 2101.A.7.b; Section 2101.A.7.c; Section 2103.H; Section 2106; Section 2007 and Section 2018

This is a housekeeping item and did not require City Attorney review. The Council Ordinance Committee has reviewed and approved the proposed amendment.

This will be the first reading of proposed Ordinance Amendment Z12-08. A second reading and possible adoption could take place at the October 16, 2012 Council Meeting.

MOTION by Haydon, second by Hornkohl to introduce Ordinance Z12-08 to carry over the Peninsula District Standards to section of Article 5 General Provisions, Article 18 Standards and Requirements for Special Uses and Article 21 Signs to the City of Manistee Zoning Ordinance.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF A LICENSE AGREEMENT, JOHN & ANN MOONEY.

A request has been received from John and Ann Mooney who would like to purchase the vacant parcel located at the south end of the Lakeshore II condominium of the Harbor Village Planned Unit Development. They would like to construct a duplex on this parcel.

Prior to purchasing the property Mr. & Mrs. Mooney are asking for a License Agreement from the City. This would allow them to excavate and operate equipment within a 40' x 140' area of adjacent City-owned property. The License Agreement specifies that once construction is completed Mr. & Mrs. Mooney are responsible for the restoration of City-owned property. The license shall terminate upon the earlier of December 1, 2014 or on completion of construction. The License Agreement has been prepared by the City Attorney.

MOTION by Haydon, second by Hornkohl to authorize the Mayor and City Clerk to execute a License Agreement to John and Ann Mooney once they purchase the property. City Engineer Mikula responded to questions from the Council on the license agreement. It was agreed that the language should say "*restore to a similar condition...*" in the agreement.

With a roll call vote this motion passed unanimously.

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

NAYS: None

A REPORT FROM THE BUILDING INSPECTOR'S OFFICE AND THE COMMUNITY DEVELOPMENT OFFICE.

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

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

CITIZEN COMMENT.

Jill Nowak / Manistee County Clerk introduced herself to Council and gave a brief explanation of the responsibilities of the County Clerk's office.

OFFICIALS AND STAFF.

None received.

COUNCILMEMBERS.

Hornkohl has received a lot of good comments on the recent article in the newspaper on transparency; asked if work on the wall would start up again next week.

Haydon reminded everyone of the presidential debates to be held Wednesday evening.

Adams asked about the sewer cleaning progress.

Kenny wished everyone a safe trip to the MML conference on Wednesday.

ADJOURN.

MOTION to adjourn was made by Hornkohl, second by Zaring. Meeting adjourned at 8:22 p.m.

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