
PROCEEDINGS OF THE MANISTEE CITY COUNCIL -JUNE 18, 2019

A regular meeting of the Manistee City Council was called to order by his honor, Mayor Roger Zielinski on Tuesday, June 18, 2019 at 7:00 p.m. in the City Hall Council Chambers, 70 Maple Street, followed by the Pledge of Allegiance.

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

ALSO PRESENT: City Manager – Thad Taylor, City Attorney – George Saylor, City Deputy Clerk – Lora Laurain, DPW Deputy Director – Rick Mohr, Finance Director – Ed Bradford, and Public Safety Director – Tim Kozal

MOTION by Szymanski, second by Grabowski to amend the agenda to add item X. Concerns & Comments e.) Consideration of Resolution 19-18 Regarding Unrecorded Easement and Rural Development Hold Harmless allowing action by Council on this additional item.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CITIZEN COMMENTS ON AGENDA RELATED ITEMS

Shari Wild, 7700 Milarch Rd., Onekama – spoke regarding the DDA appointment.

CONSENT AGENDA.

- Minutes
 - June 4, 2019 - Regular Meeting
 - June 11, 2019 - Work Session

- Financial Reports
 - Payroll May 2019
 - Invoices May 2019

- Consideration of Ordinance Z19-13, Medical and Recreational Marihuana.

The Manistee City Planning Commission held an advertised public hearing on May 16, 2019 in compliance with the Zoning Enabling Act to receive comments on zoning amendment language pertaining to the allowance of medical and recreational marihuana sales in a newly created overlay district within the City of Manistee.

Public comments received at the public hearing were in support of the amending language. Public correspondence received in writing, with a signature: 7 individual

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letters from neighboring properties, primarily within the Joslin Cove development. Six of these letters were not in support of the amendment language, while 1 letter was in support. The Planning Commission recommends approval/adoption of the amendment.

As an ordinance two separate readings are required. This ordinance was introduced at the June 4, 2019 meeting and could be adopted at this time.

- Notification Regarding Next Work Session – July 9, 2019, 7:00 pm
A discussion will be conducted on such business as may come before Council.
- Consideration of Annual Hops and Props Event
The Manistee Downtown Development Authority is requesting permission to conduct their annual Hops and Props event on Saturday, September 21, 2019 beginning at 1:00 pm and ending at 7:00 pm. The event will use Municipal Marina property and require the closure of River and Water Streets between Pine and Spruce Streets beginning Friday, September 20 at noon through Sunday, September 22 at noon for set up and tear down.

At this time Council could take action to approve the annual Hops and Props event for Saturday, September 21, 2019; subject to appropriate department approvals.

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

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

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

NAYS: Goodspeed

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. This ordinance was introduced at the May 21, 2019 meeting and could be adopted at this time.

This item was tabled at the June 4, 2019 Council meeting for continued discussion at the June 11, 2019 Council work session.

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

MOTION by Szymanski, second by Beaton to amend the motion to revise the Ordinance to include the 25 feet from structures as is required by the International Fire Code but change the distance requirements to 15 feet from sidewalks and 5 feet from other property lines.

With a roll call vote this motion to amend the original motion failed, 2 to 5.

AYES: Beaton and Szymanski

NAYS: Cooper, Zielinski, Goodspeed, Grabowski, and Pontiac

With a roll call vote the original motion failed unanimously.

AYES: None

NAYS: Cooper, Beaton, Zielinski, Goodspeed, Szymanski, Grabowski, and Pontiac

CONSIDERATION OF AN INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE FOR TWELVE YEARS FOR FAB-LITE

Fab-Lite plans a 40,000 square foot expansion at its present location. The expansion would increase their production capabilities and create 10-15 new jobs in the first two years.

MOTION by Goodspeed, second by Cooper to accept the Industrial Facilities Tax Exemption Certificate from Fab-Lite and schedule a public hearing on this matter for the July 2, 2019 Council meeting.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF APPLICATIONS TO BOARDS AND COMMISSIONS

The City Clerk has taken action to advertise vacancies on the Brownfield Redevelopment Authority, Downtown Development Authority, Downtown Development Authority Citizens Council, Harbor Commission, Historic District Commission, Parks Commission, PEG Commission, and the Zoning Board of Appeals.

Mayoral appointments require a motion, second, and Council voted support. Nominations for Council appointments do not require a second. After all nominations are made, Council votes on the nominees until one nominee received majority support.

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The following applications have been received:

*Incumbent

Brownfield Redevelopment Authority – Three vacancies, terms beginning 7/1/19 and ending 6/30/22. Applicants must be City residents or persons with interest in the City. Mayoral appointment.

Marlene McBride, 217 River Street*

Meagan Kempf, 327 First Street*

Shelly Memberto, 347 Second Street

Mayor Zielinski appointed Marlene McBride, 217 River Street to the Brownfield Redevelopment Authority for a term beginning 7/1/19 and ending 6/30/22. MOTION by Beaton, second by Szymanski to support the Mayor's appointment.

With a roll call vote this motion passed unanimously.

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

NAYS: None

Mayor Zielinski appointed Meagan Kempf, 327 First Street to the Brownfield Redevelopment Authority for a term beginning 7/1/19 and ending 6/30/22. MOTION by Beaton, second by Pontiac to support the Mayor's appointment.

With a roll call vote this motion passed unanimously.

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

NAYS: None

Mayor Zielinski appointed Shelly Memberto, 347 Second Street to the Brownfield Redevelopment Authority for a term beginning 7/1/19 and ending 6/30/22. MOTION by Cooper, second by Szymanski to support the Mayor's appointment.

With a roll call vote this motion passed unanimously.

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

NAYS: None

Downtown Development Authority – Two vacancies, one Interest Member and one At Large Member, terms beginning 7/1/19 and ending 6/30/23. Applicants for Interest Member must have interest in property in the downtown district. City Manager appointment.

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Jodi Walter, 2141 Stronach Road
Tamara DePonio, 387 River Street*
Shari Wild, 7700 Milarch Road, Onekama*

City Manager Taylor appointed Jodi Walter, 2141 Stronach Road, to the Downtown Development Authority as an At Large Member with term beginning 7/1/19 and ending 6/30/23. MOTION by Szymanski, second by Beaton to support the Manager's appointment.

With a roll call vote this motion passed unanimously.

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

City Manager Taylor appointed Tamara DePonio, 387 River Street, to the Downtown Development Authority as an Interest Member with term beginning 7/1/19 and ending 6/30/23. MOTION by Beaton, second by Goodspeed to support the Manager's appointment.

With a roll call vote this motion passed, 5-2.

AYES: Beaton, Zielinski, Goodspeed, Szymanski, and Pontiac
NAYS: Cooper and Grabowski

Historic District Commission – Three vacancies, one term ending 2/28/20 and two terms ending 2/28/22. One member is desired who meets professional qualification standards for archaeologist, architect, architectural historian, historian, or historic architect. Applicants must be City residents. Council appointment.

Ron Helmboldt, 252 Lighthouse Circle

MOTION by Szymanski to appoint Ron Helmboldt, 252 Lighthouse Circle to the Historic District Commission term ending 2/28/22.

With a roll call vote this motion passed unanimously.

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

Parks Commission – Two vacancies, terms ending 6/30/22. Applicants may be nonresidents but must own real estate or a business/profession having a licensed business location in the City or have a child attending school within the City. Mayoral appointment.

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Tim O'Connor, 330 Fourth Avenue*

Mayor Zielinski appointed Tim O'Connor, 330 Fourth Avenue, to the Parks Commission with a term ending 6/30/22. MOTION by Beaton, second by Goodspeed to support the Mayor's appointment.

With a roll call vote this motion passed unanimously.

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

NAYS: None

Zoning Board of Appeals – Three vacancies, terms ending 5/31/22. Applicants shall be a representative of the population distribution and of the various interests present in the City. Mayoral appointment.

Duane Jones, 512 Fourth Street*

Mayor Zielinski appointed Duane Jones, 512 Fourth Street, to the Zoning Board of Appeals with a term ending 5/31/22. MOTION by Goodspeed, second by Szymanski to support the Mayor's appointment.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CITIZEN COMMENT

Shari Wild, 7700 Milarch Road, Onekama – spoke regarding the DDA appointments.

OFFICIALS AND STAFF

None

COUNCILMEMBERS

Goodspeed expressed appreciation to the Public Safety Department for their recent good work; announced that he will not be running for re-election for City Council and would like to encourage someone from the Fourth District to come forward to run for office.

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Pontiac congratulated the City Fire Department on their Guinness World Record.

Grabowski thanked Firefighter Fred LaPoint for leading the efforts to recognize the Manistee Fire Department as the world's longest continuously manned operating fire station; thanked DPW workers on the 12th Street project.

Szymanski offered congratulations and appreciation to Firefighter Fred LaPoint and Manistee Museum Director Mark Fedder on their efforts to set the Guinness World Record; thanked everyone who volunteered at the recent Big Day of Serving.

Zielinski requested Manager Taylor add a discussion of the recent DDA Board meeting to a future Work Session and asked Attorney Saylor to attend as well.

CONSIDERATION OF A CLOSED SESSION, ATTORNEY OPINION

City Attorney George Saylor recommends a Closed Session this evening to discuss an opinion rendered by the City Attorney as permitted by Section 8 (h) of the Michigan Open Meetings Act.

MOTION by Goodspeed, second by Beaton to proceed to Closed Session under Section 8 (h) of the Michigan Open Meetings Act. Time 7:38 pm.

With a roll call vote this motion passed unanimously.

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

NAYS: None

MOTION by Goodspeed, second by Szymanski to return to Regular Session. Time 7:50 pm.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF RESOLUTION 19-18 REGARDING UNRECORDED EASEMENT AND RURAL DEVELOPMENT HOLD HARMLESS

The City is financing sewer system improvements through the United States Department of Agriculture – Rural Development. In connection with that financing, the City is required to demonstrate access to structures associated with the sewer system that are located on other than City property.

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A lift station located in the City Industrial Park is located on private property, but does not have a recorded easement. The City's right to use the lift station is through its claim of prescriptive easement and that use requires the agreement to hold Rural Development harmless from any loss or damage that may be associated with the maintenance or renovation of the lift station and confirms that in correspondence to Rural Development.

MOTION by Szymanski, second by Beaton to adopt Resolution 19-18 and authorize the Mayor and City Manager to execute the correspondence.

With a roll call vote this motion passed unanimously.

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

NAYS: None

ADJOURN.

MOTION to adjourn was made by Goodspeed. Meeting adjourned at 7:52 pm.

Lora Y Laurain
Deputy Clerk