

**OFFICIAL PROCEEDINGS  
CITY COUNCIL  
CITY OF ESCANABA, MICHIGAN  
Regular Council Meeting  
Thursday, December 19, 2013**

The meeting was called to order by the Honorable Mayor Marc D. Tall at 7:00 p.m. in the Council Chambers of City Hall located at 410 Ludington Street.

Present: Mayor Marc D. Tall, Council Members, Patricia A. Baribeau, Ronald J. Beauchamp, Ralph B. Blasier, and Leo J. Evans

Absent: None

Also Present: City Manager James V. O'Toole, City Department Heads, media, and members of the public.

The Veterans Council representative Frank Berres gave the invocation and led Council in the Pledge of Allegiance.

Blasier moved, Beauchamp seconded, **CARRIED UNANIMOUSLY**, to approve Regular Meeting Minutes from December 5, 2013, as submitted.

Evans moved, Baribeau seconded, **CARRIED UNANIMOUSLY**, to approve Special Meeting Minutes from December 11, 2013, as submitted.

**ADJUSTMENTS TO THE AGENDA**

Evans moved, Beauchamp seconded, **CARRIED UNANIMOUSLY**, to approve the City Council Agenda as submitted.

**CONFLICT OF INTEREST DECLARATION** – None

**CERTIFICATE OF APPRECIATION AWARD PRESENTATION**

Mayor Tall provided Certificates of Appreciation to representatives from the Disabled American Veteran Post 24, VFW Post 2998, Amvets Post 123, American Legion Post 82, Delta County Veterans Council, Vietnam Veterans Chapter 345, and Elks Lodge 354 for the donation of 100 American Flags for public display.

**BRIEF PUBLIC COMMENT**

Shanna Hammond of the Delta/Menominee Public Health Department spoke in support of Ordinance 1141, and reviewed a positive survey she conducted at Harbor Hideout one year after passage of the original ordinance prohibiting smoking at City Playgrounds.

Alyssa Polequin, student at the Escanaba High School, spoke in support of Ordinance 1141, and presented Clerk Richards a petition consisting of 186 Escanaba

Junior and High School student signatures. The petition asked Council not to change the ordinances regarding allowing smoking in City Parks, Sporting areas, and other recreational areas.

Kristie Steger, City resident, also spoke in support of Ordinance 1141 which added Besse Park into the City Park system, and prohibited smoking within 100 feet of the Besse Park Playground.

**UNFINISHED BUSINESS** – None

**PUBLIC HEARINGS** – None

**NEW BUSINESS**

**First Reading of Ordinance No. 1141 – An Ordinance to Amend Chapter 18 (Offenses) and 19 (Parks and Recreation), of the City Code of Ordinances to Prohibit Smoking and Apply Park Rules to the John D. Besse Park.**

At the November 7, 2013, City Council meeting, Administration was directed to prepare a review of the existing smoking ordinance and the effectiveness of said ordinance. As directed, Administration made a presentation and sought Council approval to amend Chapter 18 (Offenses), Section 18.203 (1) and Chapter 19 (Parks and Recreation), Section 19-2, of the City Code of Ordinances to prohibit smoking at the John D. Besse Park and apply park rules. On August 13, 2013, and again on December 10, 2013, the Recreation Advisory Board unanimously supported this amendment and has recommended Council approval. Administration requesting that the City Council set January 2, 2014, for the second reading, public hearing and adoption of Ordinance No. 1141. The following was discussed:

- Recreation Director provided an overview, purpose, goals, and history of the 100 foot smoking ban around City Playgrounds and Municipal property and Buildings. (See Attachment – A);
- It was advised City of Gladstone has not passed a smoking ordinance, but amended their park rules and policies which prohibit smoking in certain areas;
- This was a Civil liberties issue. Municipal Governments should not be dictating adult public conduct;
- Suggested to amend the ordinance to allow smoking if only a single family was present and no other kids were around;
- City and State has litter laws for cigarette butts;
- Objections to Government control vs. freedom and adult behavior. 100 foot rule was not a good rule;
- Smoking was bad role modeling for kids;
- Smoking was a very bad public health issue. Suggested ordinance should be more restrictive and include further City recreation areas.

**NB-1** After further discussion, Evans moved, Blasier seconded, to set January 2, 2014, for the second reading, public hearing and adoption of Ordinance No. 1141.

Upon a call of the roll, the vote was as follows:

Ayes: Evans, Blasier, Baribeau, Beauchamp, Tall  
Nays: None

**MOTION CARRIED.**

**Approval – Charitable Gaming Resolution –Upper Peninsula Commission for Area Progress (UPCAP)/Upper Peninsula Diabetes Outreach Network (UPDON).**

UPCAP, as a non-profit organization sought Council approval of a resolution for a State of Michigan Charitable Gaming License in partnership with the UPDON who was helping them with their mission of promoting partnerships to strengthen diabetes education across the Upper Peninsula.

**NB-2** 'By Council Member Blasier, seconded by Council Member Baribeau;

**Resolved,** that the Upper Peninsula Commission for Area Progress (UPCAP) of Escanaba, County of Delta, be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming license, be considered for approval;

The vote was as follows:

Ayes: Blasier, Baribeau, Evans, Beauchamp, Tall  
Nays: None

**RESOLUTION DECLARED ADOPTED.”**

**Power Plant Update – Sale of the Power Plant.**

City Manager O'Toole updated the Council and public on the latest developments related to the sale and transfer of the Escanaba generating facility.

**APPOINTMENT(S) TO CITY BOARDS, COMMISSIONS, AND COMMITTEES**

Mayor Tall, with Council consensus, made the following appointment:  
Suzal Esienberger reappointed to the Historic District Commission, term ending October 2016.

## **BOARD, COMMISSION, AND COMMITTEE REPORTS**

Council Members reviewed City Board and Commission meetings each attended since the last City Council Meeting.

### **GENERAL PUBLIC COMMENT—None**

### **ANNOUNCEMENTS**

- Civic Center dance was scheduled for area 7<sup>th</sup>, 8<sup>th</sup>, and 9<sup>th</sup> graders on Friday, December 20<sup>th</sup>;
- Snow Shoe rentals were available at the Civic Center;
- New Years Eve fireworks was scheduled for 9:00 p.m. at the Municipal Dock;
- Council Members wished everyone a Safe and Merry Christmas and Happy New Year.

Hearing no further public comment, the Council adjourned at 7:54 p.m.

Respectfully submitted,

Robert S. Richards, CMC  
City Clerk

Approved: \_\_\_\_\_  
Marc D. Tall, Mayor