

**OFFICIAL PROCEEDINGS
CITY COUNCIL
CITY OF ESCANABA, MICHIGAN
Regular Council Meeting
Thursday, March 21, 2013**

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

Present: Mayor Leo J. Evans, Council Members, Walter A. "Pete" Baker, Patricia A. Baribeau, Ronald J. Beauchamp, and Brady L. Nelson.

Absent: None

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

Pastor Scott White of the First Presbyterian Church gave the invocation and led Council in the pledge of allegiance.

Nelson moved, Baker seconded, **CARRIED UNANIMOUSLY**, to approve Regular Meeting Minutes from March 7, 2013, and Special Meeting Minutes from March 13, 2013, as submitted.

ADJUSTMENTS TO THE AGENDA

Council Member Beauchamp asked to move NB-5 regarding the Resolution of Support for the Second Amendment prior to NB-1.

Beauchamp moved, Nelson seconded, **CARRIED UNANIMOUSLY**, to approve the City Council Agenda as amended.

CONFLICT OF INTEREST DECLARATION – None

BRIEF PUBLIC COMMENT

The following were among a number of individuals who were in attendance and spoke to Council encouraging them to adopt a Resolution for the Preservation of the Second Amendment which protected the individual right to own firearms as stated in the Second Amendment of the United States Constitution: Dave Moyle, James Hellerman, Don Cretan, William, Horgan, Isaac Micheau, Bob Peterson, and Mike Glass.

The Delta County Gun Owners Association, who requested Council support of the proposed resolution, was formed to promote education about firearms and their safe use, and the Second Amendment right to keep and bear arms in a responsible way. The association was seeking support of the second amendment from governmental units throughout Delta County and the Upper Peninsula.

UNFINISHED BUSINESS – None

PUBLIC HEARINGS

Public Hearing – Citizen Participation – 2013-14 Fiscal Year Budget Preparation.

Each year, Council held public hearings to facilitate input from its citizens for the City's next fiscal year budget. This was the third of five (5) scheduled public hearings.

This being a public hearing, Mayor Evans asked if there was any public comment.

Mollie Larsen, Bonifas Art Center Director, asked Council for Arts Center continued support in the City 2013/14 Fiscal Year Budget.

James Hellerman suggested the City should not rely on Government grants, and encouraged Council to dissolve the Downtown Development Authority. Mr. Hellerman suggested the City put funds in the budget to maintain the Public Safety building.

After no further public comment, Mayor Evans closed the public hearing.

Public Hearing - Second Reading of Ordinance No. 1132 – An Ordinance to Amend Chapter 16, Article 3, Trailers, of the Code of Ordinances.

Council was requested to consider this public hearing the second reading of Ordinance No. 1132, an ordinance to amend Chapter 16, Article 3, Trailers, of the Code of Ordinances. Community work sessions were held and reviewed to reflect needs of the community today.

This being a public hearing, Mayor Evans asked if there was any public comment.

Hearing no public comment, Mayor Evans closed the public hearing.

PH-2 “By Council Member Beauchamp, seconded by Council Member Nelson;

Resolved, That Ordinance No. 1132, the City Zoning Ordinance Amendment, given its second reading and public hearing at this meeting, be and is hereby adopted and that it be published in accordance with the requirements of the City Charter.”

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

Ayes: Beauchamp, Nelson, Baker, Baribeau, Evans
Nays: None

RESOLUTION DECLARED ADOPTED.

Herewith Ordinance No. 1132 adopted by title:

**“AN ORDINANCE TO AMEND CHAPTER 16, ARTICLE 3, TRAILERS
OF THE CODE OF ORDINANCES”**

Full Text in Ordinance Record “K”.

**Public Hearing – Industrial Development District – Basic Marine, Inc. 440 North
10th Street.**

Council conducted a public hearing on a request from Basic Marine, Inc. to establish an Industrial Development District for the unpatented Lake Michigan bottomlands adjacent to their property located at 440 North 10th Street, Escanaba.

City Assessor Daina Norden and Lyle Berro briefly reviewed the proposed Development District and Basic Marine’s scope of work.

This being a public hearing, Mayor Evans asked if there was any public comment.

Manager O’Toole read a letter of Support for Basic Marine from the Delta County Chamber of Commerce, and the Delta County Economic Alliance.

Hearing no further public comment, Mayor Evans closed the public hearing.

PH-3 “By Council Member Baribeau, seconded by Council Member Nelson;

**RESOLUTION TO ESTABLISH
CITY INDUSTRIAL DEVELOPMENT DISTRICT**

Whereas, Pursuant to P.A. 198 of 1974, as amended, this City Council has the authority to establish one or more Industrial Development Districts within the City of Escanaba; and

Whereas, The City of Escanaba desires to encourage industrial development within certain areas of its corporate limits; and

Whereas, Construction, acquisition, alteration, or installation of a proposed facility has not commenced at the time of establishment of this district; and

Whereas, Written notice has been given by mail to all owners of real property located within the district and to the public by newspaper advertisement in the Daily Press and/or public posting of the hearing on establishment of the proposed district; and

Whereas, On March 21, 2013, a public hearing was held at which all of the owners

of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Escanaba were afforded an opportunity to be heard thereon; and

Whereas, The Escanaba City Council deems it to be in the public interest of the City of Escanaba to establish City Industrial Development District, as proposed;

Now, Therefore, Be It Resolved by the City Council of the City of Escanaba the following described parcel of land situated in the City of Escanaba, Delta County, and State of Michigan, to wit:

City Industrial Development District – identified as the full extent of Basic Marine's shoreline, and extending outward 1797.4' along the northern section of the boundary line, at "S 87-degrees, 50'20" E" to "N 18-degrees, 47'53" W" for 1367.21' and back to the Basic Marine shoreline at "S 53-degrees, 38' E" – encompassing the two "Old Ore Docks / Submerged Pilings" shown on the survey, along with the proposed enclosed area of the "Existing Wooden Pilings".

Be and hereby is established as City Industrial Development District pursuant to the provisions of P.A. 198 of 1974.

Upon a call of the roll, the vote was:

Ayes: Baribeau, Nelson, Beauchamp, Baker, Evans
Nays: None

RESOLUTION DECLARED ADOPTED

NEW BUSINESS

Resolution of Support - The Preservation of the Second Amendment – Delta County Guns Association.

The Delta County Guns Association requested Council adopt a Resolution for the Preservation of the Second Amendment which protects the individual right to own firearms as stated in the Second Amendment of the United States Constitution.

Council Member Baribeau commented on the safe and responsible use of firearms, and that restrictions could be put on use of firearms. Council Member Baribeau stated the Second Amendment was not unlimited, and Government could regulate the use of guns. Council Member Baribeau stated she supported the Second Amendment of the Constitution, but didn't agree with the proposed resolution's language rejecting restrictions in the Constitution. As a City Council Member, she swore an Oath to uphold the Constitution of the United States, and in good conscience, could not support the proposed resolution.

Council Member Beauchamp asked, if approved by Council, to send a copy of the Resolution to the Governor's Office and our State and Federal Legislators.

After further discussion on gun control, the following resolution was made:

NB-5 "By Council Member Beauchamp, seconded by Council Member Nelson;

RESOLUTION FOR THE PRESERVATION OF THE SECOND AMENDMENT

Based upon our rights secured in the Constitution of the United States, and its Second Amendment (1), we request the Escanaba City Council to adopt the following resolution:

THEREFORE BE IT RESOLVED: The Escanaba City Council in the State of Michigan protect the individual right to own firearms as stated in the Second Amendment of the United States Constitution, and that any attempt to place restrictions on any lawfully possessed firearms that are legal and unrestricted be rejected, and

BE IT FURTHER RESOLVED: That the Escanaba City Council support the constitution of the United States, specifically the Second Amendment (1), and shall refrain from supporting any legislation and oppose any attempts to infringe on these inalienable rights. And support the right of the people to keep and bear arms.

(1) The Second Amendment clearly states, "A Well-regulated militia being necessary to the security of a free state, the right of the People to keep and bear arms shall not be infringed".

Upon a call of the roll, the vote was:

Ayes: Beauchamp, Nelson, Baker, Evans

Nays: Baribeau

RESOLUTION DECLARED ADOPTED

Approval – Downtown Flower Planting Project – Delta County Master Gardener Association.

The Delta County Master Gardener Association sought Council approval to furnish and install self-watering hanging flower baskets in the downtown district of Escanaba. Downtown Merchants would be asked to support the purchase of the baskets, the Delta County Master Gardener Association would be purchasing the flowers, and the Electric Department would be installing the brackets. On March 6, 2013, the Downtown Development Authority recommended Council approval. City Administration also recommended Council approval.

NB-1 Baribeau moved, Nelson seconded, **CARRIED UNANIMOUSLY**, to approve a request from the Delta County Master Gardener Association to furnish and install self-watering hanging flower baskets in the downtown district of Escanaba.

Approval – Donation – Two-Way Radio Equipment – Delta County Amateur Radio Society.

Administration sought Council approval to donate discarded and obsolete two-way radios to the Delta County Amateur Radio Society (DCARS). If approved by Council, the DCARS would accept the equipment “as is” and hold the City of Escanaba harmless in the event of equipment failure.

NB-2 Nelson moved, Baker seconded, **CARRIED UNANIMOUSLY**, to approve to donate discarded and obsolete two-way radios to the Delta County Amateur Radio Society “as is” and hold the City of Escanaba harmless in the event of equipment failure.

Resolution of Support – Micropolitan Regional Economic Development Strategy – Next Michigan Development Act – Delta and Marquette Counties.

Council was requested to adopt a Resolution of Support for a bi-partisan legislation amendment to the Next Michigan Development Act, Act 275 of 2010 for the purpose of bringing one of the state’s most powerful economic development incentives to the Upper Peninsula region by requiring the Michigan Strategic Fund to designate at least one Next Michigan Development District in the Central Upper Peninsula.

Manager O’Toole stated a group of City, County and State Officials' goal was to promote a legislative amendment to designate at least one "Next Michigan Development District" in the U.P. Creation of a special development district, with help from Lansing, would provide a structure to help funnel grants and other funds from state and federal sources. Support designating the two-county region as a Michigan development district could potentially unify economic development efforts and bring in more resources from Lansing and Washington. Over time, such a district could be a major player in accelerating regional growth by tapping into resources that no municipality could obtain on its own. All units of government from across the central U.P. were asked to throw their support behind the plan. Manager O’Toole stated the more municipalities backing the proposed legislation, the greater the odds of its passage.

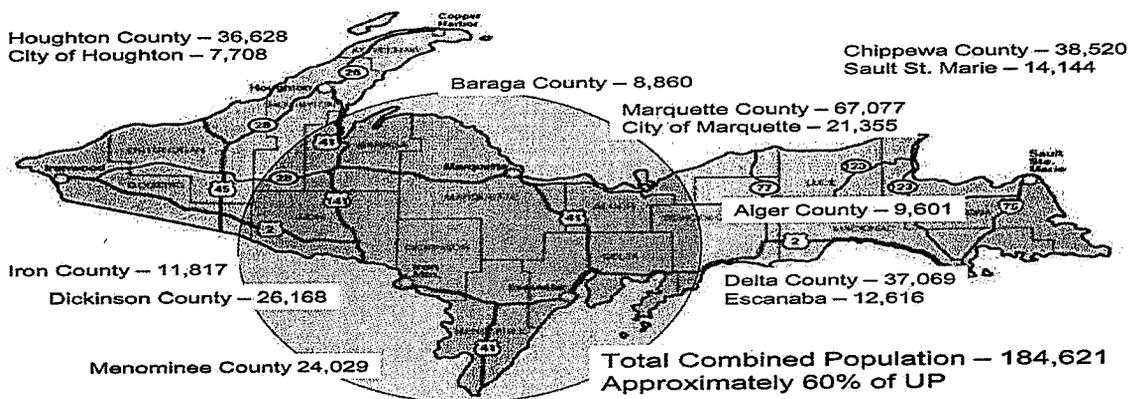
NB-3 “By Council Member Nelson, seconded by Council Member Baker;

Resolution of Support

Preamble: The local units of government in the Delta and Marquette County Central Upper Peninsula encourage the creation of a Next Michigan Development District for the purpose of bringing one of the State’s most powerful economic development incentives to the Upper Peninsula region by requiring the Michigan Strategic Fund to designate at least one (1) Next Michigan Development District above the 43rd parallel that consists of two (2) contiguous counties with a combined population of between 100,000 to 110,000.

Whereas, the units of government in Delta and Marquette Counties are promoting a regional collaboration and partnership in the course of exploring the tremendous opportunities available by the creation of a Central Upper Peninsula economic development engine as defined in the Next Michigan Development Act No. 275 of 2010 which will promote economic growth focused on multi-modal transportation.

Micropolitan Area Per 2010 Federal Standard



Whereas, a micropolitan economic development strategy is a vital regional approach in growing and attracting business to the Upper Peninsula.

Whereas, the Central Upper Peninsula needs a micropolitan type regional economic development policy and Next Michigan Development District which supports a diverse set of stakeholder community & business leaders, and support from local elected officials, and from the Executive Branch, to realize this significant and unique opportunity.

Whereas, the Upper Peninsula is a geographically and economically diverse portion of the State of Michigan. In general terms, the area is too urban to be called rural, but too rural to be called urban.

Whereas, As individual units of government in the Upper Peninsula, our area does not have the economic or political presence of larger cities in the Lower Peninsula but nevertheless our region has an opportunity to increase the Central Upper Peninsula's presence in our ability to increase activity in manufacturing, distribution and transporting products and raw material supplies.

Whereas, the Central Upper Peninsula is a prime candidate for regional economic development zone in that the region has:

- A total combined population of 110,000 +/-
- Approximately 33 key manufacturers and major employers who employ 15,175 +/- people
- A diverse multi-modal transportation system in place

Whereas, the units of government in Delta and Marquette Counties understand that further collaboration and partnering is needed in identifying:

- “Best Practices” in other parts of the State and throughout the country must be identified for potential use within the Central Upper Peninsula
- State and regional economic development planning and policy must be aligned to provide a framework for organizing effective policies and investment
- Elected officials, communities and economic development stakeholders must come together in a collaborative model to bring these powerful economic development resources to the Upper Peninsula

Whereas, these opportunities include the potential to create unprecedented economic development by way of locating tomorrow’s economic powerhouses in this region today; creating high paying jobs to ensure the attraction and retention of a highly trained and skilled workforce, to ensure our citizens can receive an education in Michigan and put their talents to use in this great state, and to achieve a unique investment that reflects the impact felt by manufacturers with a long-term perspective.

NOW, THEREFORE, BE IT RESOLVED that the Escanaba City Council does hereby endorse and support bi-partisan legislation to amend the Next Michigan Development Act, Public Act 275 of 2010, MCL 125.2951. for the purpose of bringing one of the state’s most powerful economic development incentives to the Upper Peninsula region by requiring the Michigan Strategic Fund to designate at least one Next Michigan Development District above the 43rd parallel that consists of two (2) contiguous counties that has a combined population of between 100,000 to 110,000.

Upon a call of the roll, the vote was:

Ayes: Nelson, Baker, Baribeau, Beauchamp, Evans

Nays: None

RESOLUTION DECLARED ADOPTED

Approval – Resolution – MDNR Recreation Passport Grant.

Council was requested to adopt a Resolution of Support for a \$42,000 grant application to the MDNR Recreation Passport Grant Program to renovate the Ludington Park tennis/basketball courts and improve accessibility to the pavilion and bathroom facilities.

Recreation Director Penegor provided a brief overview of the grant and scope of the proposed project. This grant was directed towards smaller communities to renovate its recreation infrastructure.

NB-4 “By Council Member Nelson, seconded by Council Member Baribeau;

**RESOLUTION OF SUPPORT ENDORSING THE
CITY OF ESCANABA’S APPLICATION TO THE**

**MICHIGAN DEPARTMENT OF NATURAL RESOURCES
FUNDING UNDER THE RECREATION PASSPORT GRANT PROGRAM**

WHEREAS, the City of Escanaba is seeking grant funding in the amount of \$42,000 (75% of the total cost) for improvements and renovation of the Ludington Park courts and providing better accessibility to the courts; pavilion, and bathroom facilities; and

WHEREAS, the City of Escanaba is committed to improving their recreation facilities for the use and enjoyment of residents, tourists and visitors; and

NOW, THEREFORE, be it resolved that the City of Escanaba strongly supports the Michigan Recreation Passport Grant Program application for the improvement and renovation of the Ludington Park courts and accessibility to the facilities.

Upon a call of the roll, the vote was:

Ayes: Nelson, Baribeau, Baker, Beauchamp, Evans

Nays: None

RESOLUTION DECLARED ADOPTED

Update – Power Generation/Plant Operation Options/Power Purchase – Electric Department.

Administration updated the City Council and public on the status of the Power Plant sale.

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

Mayor Evans, with Council consensus, made the following appointments:

- Andrew J. Crispigna to the Downtown Development Authority, Term ending April 2014;
- Sandra Bennett to the Housing Commission, term starting June 2013, ending June 2018;
- Tara Deno reappointed to the Downtown Development Authority, Term ending April 2017;
- Ralph Blasier reappointed to the Board of Appeals, term ending June 2016;
- Phillip Lynch to the Board of Library Trustees, term ending June 2016;
- Nicole Good and John Economopoulos to the Traffic Safety Advisory Committee, term ending June 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

Members of the Delta County Gun Association thanked Council for their support of the Second Amendment to the Constitution, and passage of their Resolution.

ANNOUNCEMENTS

- Council Members wished everyone a Happy Easter Weekend.

Hearing no further public comment, the Council adjourned at 8:55 p.m.

Respectfully submitted,

Robert S. Richards, CMC
City Clerk

Approved: _____
Leo J. Evans, Mayor