OFFICIAL PROCEEDINGS
CITY COUNCIL
CITY OF ESCANABA, MICHIGAN
Regular Council Meeting
Thursday, November 7, 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 Marc D. Tall

Absent: None

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

Retired Pastor Dean Peterson, of Bethany Lutheran Church, gave the invocation and led Council in the Pledge of Allegiance.

Baker moved, Tall seconded, **CARRIED UNANIMOUSLY**, to approve Regular Meeting Minutes from October 17, 2013, and two Special Meeting Minutes from October 24, 2013, as submitted.

ADJUSTMENTS TO THE AGENDA

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

CONFLICT OF INTEREST DECLARATION – None

BRIEF PUBLIC COMMENT

James Hellermann congratulated Council Members Evans, Baribeau, Tall, and Blasier on being elected to City Council.

UNFINISHED BUSINESS – None

PUBLIC HEARINGS

Public Hearing – Second Reading - 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.

Administration 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 and apply park rules to the John D. Besse Park.

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

James Hellermann spoke against the amendment, and the original ordinance. He suggested that the smoking ordinance should be repealed.

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

Recreation Director Penegor advised no citations have been made, and there was a huge decrease of discarded cigarette butts in the area of the parks around playgrounds.

Council Members discussed the 100 foot rule. It was pointed out that at Besse Park, the pavilion was next to the playground. Smoking would be prohibited in the Besse Park pavilion because of the 100 foot rule. Council Members believed that was intrusive.

PH-1 "By Council Member Baribeau, seconded by Council Member Evans;

Resolved, That Ordinance No. 1141, an Ordinance to Amend Chapter 18, Section 18.203(1) and Chapter 19, Section 19-2, of the Code of Ordinances to prohibit smoking and Apply Park Rules to the John D. Besse Park, given its 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: Baribeau, Evans
Nays: Baker, Beauchamp, Tall

RESOLUTION FAILED."

After further discussion, Council Members directed City Administration to prepare a review of the smoking ordinance and the effectiveness of the smoking ordinance and the 100 foot no smoking rule in the parks. Council Members wished to see consistency City-wide.

Public Hearing – Second Reading - Ordinance No. 1142 – An Ordinance to Amend Chapter 5 - Keeping of Domestic Animals.

Administration sought Council approval to amend the Code of Ordinances pertaining to the keeping of domestic animals. Manager O'Toole stated, after further review of the ordinance, Section 5.7b, stating it would be unlawful for a person to show police any cats in his or her home, should be deleted. Section 5.7c would become the new 5.7b.

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

City resident James Hellermann stated the ordinance was long and convoluted. He suggested with the change, that Ordinance 1142 should have another first and second reading so the public could review the ordinance.

City Attorney Peterson advised the small change and deletion was not a substantial change in the ordinance. In his opinion, the change could be made without starting the process over again.

City resident Ralph Blasier stated he agreed with the proposed change in the ordinance. Mr. Blasier urged Council to pass the ordinance with the proposed changes.

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

Public Safety Director Vanderlinden reviewed the proposed ordinance language which basically mirrored the Delta County Animal Ordinance. He advised the County no longer had an animal control officer. Enforcement and responsibilities where delegated on City Police. The proposed ordinance also addressed more than kennels, poultry, and animal defecation. The major changes included the following:

- The misdemeanor fine was changed to civil infractions;
- Minimal penal fines came from the County if cited under the County Ordinance;
- Under the proposed City Ordinance, civil infraction penal fines would come to the City.

After further discussion, Baker moved, Baribeau seconded, to postpone the ordinance approval to Council's next regular meeting, giving city residents more time to review the ordinance.

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

Ayes: Baker
Nays: Baribeau, Beauchamp, Tall, Evans

MOTION FAILED.

Public Safety Director Vanderlinden advised the ordinance proposed changes were only positive. The Ordinance would be much more positive and easier to enforce by changing the penal fine from a misdemeanor to a civil infraction.

PH-2 "By Council Member Tall, seconded by Council Member Baribeau;

Resolved, That Ordinance No. 1142, an Ordinance to Amend Chapter 5 of the Code of Ordinances to Govern the Keeping of Domestic Animals, given its public hearing at this meeting, be and is hereby adopted and that it be published in accordance with the requirements of the

City Charter with revisions."

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

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

RESOLUTION DECLARED ADOPTED."

Herewith Ordinance No. 1142 adopted by title:

"AN ORDINANCE TO AMEND CHAPTER 5 OF THE CODE OF ORDINANCES TO GOVERN THE KEEPING OF DOMESTIC ANIMALS"

Full text in Ordinance Record "K".

NEW BUSINESS

Approval – Service Agreement - Delta County EDA.

The Delta County Economic Development Alliance sought Council approval of their annual appropriation in amount of $16,950. With the funding, the EDA promotes economic development in the City of Escanaba and Delta County. Administration recommended approval of the request.

Vicki Schwab, on behalf of the Delta County EDA, thanked Council for their support and assistance over the last 19 years. Mrs. Schwab reviewed past support and EDA activities in Delta County. Mrs. Schwab asked for Council support of the EDA annual appropriation.

Marilyn Kinsey, EDA Board Member, also spoke in support of the annual EDA agreement with the City.

Beauchamp asked for an increase in the annual appropriation based on the improvements and work performed by the EDA within the last year. Manager O'Toole suggested that should be a discussion held during the upcoming Budget Sessions where appropriation could be reevaluated.

NB-1 Baribeau moved, Tall seconded, to approve a Service Agreement with the Delta County EDA and their annual appropriation in amount of $16,950, to promote economic development in the City of Escanaba and Delta County.

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

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

MOTION CARRIED.

Approval – Annual Service Agreement – Delta County Historical Society.

The Delta County Historical Society sought Council approval of their annual service agreement and appropriation of $2,000. As part of the service agreement, the Delta County Historical Society would be able to provide tours and new activities at the Museum and Lighthouse facilities which were available to the citizens of the City of Escanaba. Administration recommended approval of the request.

NB-2 Baribeau moved, Beauchamp seconded, to approve the Delta County Historical Society annual service agreement and appropriation of $2,000.

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

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

MOTION CARRIED.

Power Plant Update – Sale of the Power Plant.

Manager O'Toole updated the Council and public on the latest developments related to the sale and transfer of the Escanaba generating facility. (See Attachment – A)

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

Mayor Evans, with Council consensus, appointed Mitch Taylor to the Downtown Development Authority, term ending April 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

- Mayor Evans read and approved November 2013 as National Hospice Month in the City of Escanaba.

Mayor Evans presented outgoing Council Member Baker a plaque thanking him for his civic service.

Hearing no further public comment, the Council adjourned at 8:07 p.m.

Respectfully submitted,

Robert S. Richards, CMC
City Clerk

Approved: _____
Leo J. Evans, Mayor