

June 12, 2017

Regular meeting of the Ludington City Council held in the Council Chambers of the Municipal Building on Monday, June 12, 2017, at 6:30 o'clock p.m.

Present: Her Honor Mayor Holman and Councilors Brandy Henderson, Dick Rathsack, Kathy Winczewski, Les Johnson, Mike Krauch, and Gary Castonia.

Absent: None.

Also present were City Manager John Shay, City Attorney Richard Wilson, Police Chief Mark Barnett, Fire Chief Jerry Funk, City Treasurer Linda Rogers and City Clerk Deborah Luskin.

Invocation was pronounced by Police Chief Mark Barnett.

Pledge to the Flag was given.

Moved by Councilor Castonia, seconded by Councilor Johnson, to approve the agenda as presented. Motion Carried.

The meeting was opened for public comment.

Nancy Smith, City of Ludington, commented on the work being done in the 4<sup>th</sup> Ward on the water and sewer lines. She stated that last year her mom replaced her water line and spent \$3,600 to run this new line. The City now has come in and tore up her mom's lawn, driveway and the turn-around in her driveway at 502 Fourth Street. Nancy's daughter Kaitlyn Smith showed City Council a bottle of the water which is dirty and gritty. Her Honor Mayor Holman explained that she will pass this information on to the DPW and someone will go out and check it. Nancy Smith explained that someone did come out and check it and she was told to run the water. She stated it has been weeks and the water is still cloudy and gritty but not as white as it has been. Kaitlyn Smith also commented that her grandmother is very distraught about the construction and worries about parking and Kaitlyn having to get to work. Nancy Smith is asking for some relief and asked to have someone from the City get in contact with her.

Donna Yager, Vice President and Marketing Director of West Shore Bank, introduced herself and explained that she is available to answer questions on the request to hold the Rhythm and Dunes concerts this summer.

Kristine Hall, 6954 W Jackson Rd, urged the City Council to adopt the resolution to shut down Line 5. She stated that Enbridge, the company that owns this pipeline, does not need to keep this pipeline as they have pipelines that go around Lake Michigan and can easily handle the flow. She commented that Enbridge has a record with pipeline spills including the spill that occurred into the Kalamazoo River in 2010, which has not been entirely cleaned up yet. She made another comment that between 1999 and 2013, Enbridge has had 1,068 oil spills that have dumped 7.4 million gallons of oil. The two pipelines that go through the Straits of Mackinac are 14 years beyond their life expectancy.

Julia Chambers, President of AFFEW, commented on Line 5 and is asking City Council to pass the resolution to support the stopping of this pipeline. There has been \$1.2 billion spent on cleaning up the Kalamazoo River and they are still working to clean it up. She stated that in a 2016 report the braces that are under the pipeline and should be every 75 feet are actually 225 feet apart and that along with the mussels that are weighing down the pipeline. She expressed concern over the pressure and weight on this pipeline. She referred to a U of M Study that indicated that if 1 million gallons of oil were to leak from this pipeline it would travel 700 miles. There are only 250 jobs in Michigan that work for Enbridge on this pipeline and 1 in 5 jobs in Michigan are linked to the Great Lakes in one way. AFFEW only educates people and they do not take stands on issues but she is encouraging City Council to support this resolution to shut down Line 5.

Lynn Haslum, 6499 Virnetta Drive, explained that Ludington is a sweet spot on the planet, with the state park hiking trails, beaches and fishing which draws tourists in the summer and retirees to live and noted that Line 5 is an accident waiting to happen. When this pipeline does rupture she asked what will happen to Ludington. She stated that there are only two choices and they are to do whatever we can to prevent this disaster from happening or clean it up once the disaster does happen. Her Honor Mayor Holman informed Lynn Haslum that her 3 minutes of public speaking was up.

David Hall, 6954 W Jackson Road, asked City Council to adopt the resolution on Line 5. He stated that the cost to clean up after this pipeline breaks is so much more than it would be to shut this pipeline down.

C. Dale Bannon, City of Ludington, commented that he was in Traverse City, to visit sister and her husband who was the manager of the terminal in Traverse City where all the fuel that comes to northern Michigan would arrive by ship and then be trucked to wherever it was needed. He stated that during Mr. Obama's reign, all ships have been banned from the Great Lakes from carrying any petroleum products. Now there are only two ways to transport the petroleum products, either by pipeline or truck. Everything now is by truck. If we do not have pipelines there will be more cost.

Lorrie Dykstra, resident of Summit Township, commented on Line 5 and agrees with the other people who have spoken in support of closing down this pipeline. She stated that in her conversations with the state legislature they have been disappointing and she noted that she is concerned that the state legislatures will not take notice of the concerns of the citizens. She stated that the Great Lakes Pipeline Advisory Council met today and they stated that the State of Michigan has every right to turn down Enbridge's request for this pipeline. She wants Ludington to be one of the towns that stands up for the Citizens for the Great Lakes.

Alan Haslum, 6499 Virnetta Drive, asked City Council to support the resolution to shut down Line 5. He stated that this is an unacceptable risk. If there is a catastrophe he asked what will happen to the jobs on the Great Lakes, the tourism, the drinking water, fishing and living here. If the oil is re-routed over land, it will be easier to clean up the spill. He stated that there are alternatives to fuel but no alternatives to water. He is urging City Council to support the resolution to shut down the pipeline.

Tom Rotta, City of Ludington, commented on the resolution to shut down movement of oil through the pipeline that is being brought before City Council. He stated that over the past few years he has been bringing awareness to the City Council of the failings of the City's pipelines and he has never got a resolution to correct the environmental hazards that were the City's responsibility nor a resolution that would clean up the spills the City was responsible for. He provided information on two spills, one in 2008 where a sewer pipe was destroyed by flooding and in one in 2012 that was the failing of a sewer pipeline north of the PM Bayou. Tom Rotta then referred to the number of lead goosenecks in the City and he asked why the City cannot make a resolution to replace as many as possible in the City.

Tom Tyron, stated that he opposes there resolution on the oil pipeline and stated that the sky is not falling. He stated that he just read an article in the newspaper that company just pressure tested the pipeline and there were no leaks. He stated that the bottom line is that people need oil. He stated to have the City oppose the pipeline is ridiculous as there are many of miles of pipelines under this City which could break at any time. He also commented on the MDOT project and stated that he opposes a three-lane idea and stated that there could be bottlenecks coming around the Madison Street corner into town.

Ray Madsen, City of Ludington, identified himself as a member of the Planning Commission. He stated that he is speaking as a private citizen. He would like the City to take a look at an experiment to run three lanes of traffic on Ludington Avenue versus five lanes of traffic. He stated that the proposal is only to have an experiment to see if the three lanes of traffic is better than the five lanes of traffic. He stated that the City should try this experiment to see if this is a good solution. It may be or it may not be, but Ray Madsen stated that the City should at least try it.

After no further comments were received, the regular order of business was resumed.

Moved by Councilor Johnson, seconded by Councilor Winczewski, to approve the minutes of the regular meeting 5/22/17 as presented. Motion Carried.

Moved by Councilor Winczewski, seconded by Councilor Johnson, to approve the request for Waterfront Park/Waterfront Worship Concert on July 30<sup>th</sup> with Christian singer/songwriter Paul Baloche, band members, and Jonny Wright, a winner of a Publishing Contract from the Songwriters' Invitational which was held in May. Don Bradley was present and was available to answer questions regarding this event. Councilor Johnson questioned whether there would be overflowing garbage bins in the park from the event that will be held in Waterfront Park the night before as well as after this event. City Manager Shay explained that the City will make sure that this will not happen. Councilor Winczewski stated that both West Shore Bank (who will have the event the night before in the park) and Don Bradley have made contact with the condominium association regarding these concerts. She then asked that after the events that the signs will be picked up after the event. Motion Carried.

Moved by Councilor Castonia, seconded by Councilor Henderson, to approve the West Shore Bank' request for the Rhythm and Dunes Concerts on July 29<sup>th</sup> and August 5<sup>th</sup> in the Waterfront Park. Donna Yager from West Shore Bank was available to answer any questions. Her Honor Mayor Holman thanked West Shore Bank and explained that this was a wonderful event. Motion Carried.

Lorrie Dykstra, local captain for the All Hands On Deck, provided an update on the All Hands on Deck Great Lakes Gathering to raise awareness for the Protection of the Great Lakes on July 3, 2017. This event is spurred by the love of the lakes, people stand on the beach holding hands represents a unity that crosses state lines, party lines and federal lines. They are gathering to show their appreciation of the lakes and how they impact their lives as well as draw attention to the risks to the Great Lakes. She stated that on July 3<sup>rd</sup> at 10 a.m. there will be Great Lakes handholds across all of the Great Lakes region. Sign ins will begin at 9 a.m. and the handholding will begin at 10 a.m. Lorie Dykstra stated that the City of Ludington has already granted approval for this event and she is asking that the Council support this event and spread the word about this event and to attend this event as well as to participate as speakers. Councilor Winczewski thanked Lorie Dykstra for organizing this event. Councilor Krauch questioned if this event was brought to the Parks Committee. City Manager Shay stated that for minor event applications, he has the authority to approve the event under the City Code for just the park permit. There are no services being asked for this event. Councilor Krauch stated that he feels this is a political event with political overtones to it and he is not comfortable for this event on the day before the 4<sup>th</sup> of July. Councilor Henderson asked if hand holding was extending north to south and with people coming to the beach on this day, how logistically does this work with everyone linked up. Lorie Dykstra explained that they intend to have the people stand up close to the sidewalk so they are not impeding people's access to the water. Councilor Krauch stated that this event has agenda driven political event and does not seem like an appropriate event for the 4<sup>th</sup> of July celebrations. This does not feel right at the beach setting for our 4<sup>th</sup> of July celebration in Ludington. He stated that even though the event is not confrontational, he is not certain that Lorie Dykstra will be able to guarantee that none of the participants will take offense to someone not joining the event. Councilor Henderson asked logistically how it looks if she would show up at the beach with her family and there are people who have locked hands and then it appears to make it look that she may not be able to cross the line to look for a spot at the beach. Lorie Dykstra asked for recommendations from City Council. Councilor Krauch suggested possibly having the handholding go east to west on the beach rather than north to south between the concession stands. City Manager Shay stated that in terms of park applications that there are many special events that have political positions or religious events, the City does not look at these events as political or religious, they simply look at how many city resources are needed to hold the event. Council Henderson reiterated that her comments are not either agreeing or disagreeing with any political events, but, rather, just on the logistics and how it look to visitors to the beach and that the beach is accessible and not presenting the event in a confrontational way.

City Manager Shay explained that the Chamber of Commerce and Mason County Growth Alliance are working jointly to install "Live Ludington" boards to be installed this summer on the walls of the south concession stand at Stearns Beach, the restroom building at the James Street Plaza, and the Jaycees' mini-golf course building. The goal of this campaign is to encourage visitors who love the Ludington area to consider their relocation options for their families, careers, businesses, etc. In order to install the boards, holes would have to be drilled every 16" to a depth of 1" in 2x4 boards. Moved by Councilor Henderson, seconded by Councilor Krauch, to approve the Chamber of Commerce and Mason County Growth Alliance's request to install three Live Ludington boards this summer on the walls of the south concession stand at Stearns Beach, the restroom building at the James Street Plaza, and the Jaycees' mini-golf course building. Mason County Growth Alliance Coordinator Spence Riggs was available to answer questions. He stated that in the installation process they will be using a 2 x 4 board that will have the vinyl affixed to it so that this process would not be as destructive to the surface that the photos will be affixed to. Councilor Winczewski asked if these vinyl signs would be up for only one year. Spence Riggs explained that the vinyl will be in the frames and if the City has some use for these vinyl photos and would like to repurpose them the Growth Alliance would work with them to allow this. In case this does not happen, the frames will still be available for whatever use is needed. Motion Carried.

Moved by Councilor Johnson, seconded by Councilor Castonia, that the Finance Report with total expenditures in the amount of \$1,598,781.08 for this period be approved and orders drawn according to the City Charter. Motion Carried.

Moved by Councilor Rathsack, seconded by Councilor Johnson, to approve the Retirement Agreement and Release of Claims between the City of Ludington and Utility Maintenance Operator I Dan Copenhaver. Councilor Rathsack explained that the City extended a retirement offer to all employees who are age 55 or older and have at a minimum of 24 years of service as of May 31, 2017. This will allow the City to hire new employees at an initial lower wage. The City will pay for his health insurance through December 31, 2017, as well as from January 1, 2018 through May 31, 2018. If the health insurance premiums in 2018 are less than the City's prorated annual hard cap in 2018, then the excess amount will be deposited into his HSA account. If the health insurance premiums are more than the City's prorated hard cap, the City will not deposit any money into his HSA account. Councilor Krauch clarified that the City will pay for health insurance from January 1, 2018 to May 31, 2018. Motion Carried.

#### RESOLUTION OPPOSING OIL TRANSPORT THROUGH THE ENBRIDGE ENERGY LINE 5 PIPELINE

WHEREAS, Line 5 is a set of twin, 64-year old pipelines owned by Enbridge Energy that carry light crude oil and natural gas under the Straits of Mackinac;

WHEREAS, According to a recent University of Michigan study, more than 700 miles of Great Lakes shoreline and over 17,000 square miles of open water in Lakes Michigan and Huron are potentially at risk from breaks in Line 5 under the Straits of Mackinac;

WHEREAS, The currents in the Straits of Mackinac at peak volumetric transport can be more than 10 times greater than the flow of Niagara Falls and switch bi-directionally from east to west every few days;

WHEREAS, The Great Lakes contain 20 percent of the world's fresh, available, surface water and are a drinking water source for over 35 million people;

WHEREAS, One out of every five jobs in Michigan is linked to the high quality and quantity of fresh water in the Great Lakes;

WHEREAS, Recreational tourism, agriculture, fisheries, shipping and industry depend on the health of the Great Lakes;

WHEREAS, Enbridge Energy was responsible for the largest inland oil spill in U.S. history when Line 6b ruptured near Kalamazoo in 2010 allowing almost 1 million gallons of oil to leak into the Kalamazoo River for 17 hours before shutting down the line;

WHEREAS, Oil recovery in the Straits of Mackinac would be extremely difficult as evidenced by the Coast Guard Commandant testifying before congress in 2015 that the Coast Guard would be unable to respond effectively to an open water oil spill in the heart of the Great Lakes;

WHEREAS, As Michiganders we have a responsibility to be wise stewards of the waters of our state for generations to come;

WHEREAS, Protection of Michigan's water supplies and resources is better accomplished by prevention of contamination and environmental degradation, rather than attempting to clean up contamination to restore degraded environments after the fact;

WHEREAS, The State of Michigan has the authority to stop oil flowing through the Straits of Mackinac through an easement granted to Enbridge Energy in 1953;

RESOLVED, That the Ludington City Council supports stopping the transportation of oil through the Straits of Mackinac; and

RESOLVED, That the City Council send a letter to Governor Snyder, Attorney General Schuette, State Representative VanderWall, State Senator Booher and U.S. Senators Peters and Stabenow calling on them to take action to shut down Line 5.

Councilor Winczewski presented some facts on Line 5 as well as a picture of this pipeline that runs through the Straits of Mackinac. She explained that one of the dangers of this area are the changes in currents. Lake Huron would have a higher impact if the pipeline broke. The Coast Guard stated that if the pipeline broke in the winter or at night or if the waves were greater than 3 feet, there would be nothing the Coast Guard could do. Councilor Winczewski also stated that if we do not shut down the pipeline maybe Enbridge should replace this pipeline with more current technology that may be better served for under the lake. She stated that there were 67 other municipalities that have signed a similar resolution supporting the shut-down Line 5. Moved by Councilor Winczewski, seconded by Councilor Castonia, that the foregoing resolution be adopted. Councilor Castonia commented that he read the same article in the newspaper about pressure testing this pipeline today and it came out passing with flying colors. Councilor Winczewski stated that this study was completed today and this study was done by Enbridge. Councilor Krauch commented that he has not had any opportunity to research this issue and he is not weighing in on any information as he has not researched. He also wondered if it is an issue that the City should weigh in on this. He asked if the Public Safety Committee considered the appropriateness of this topic for the City Council to consider. Councilor Winczewski explained that the Public Safety Committee met last week and the Committee voted three to zero to support the resolution. Moved by Councilor Krauch, seconded by Councilor Henderson to table this motion. Councilor Krauch asked City Attorney Wilson about the procedure for tabling a motion. City Attorney Wilson stated that to table a motion, this would stop all activity on the motion and would need to come back to City Council at the next regular meeting. Councilor Winczewski commented that she sent materials to all council members as well as delivered to the council members' houses information on this resolution for their review. She also invited the council members and the governmental entities from the county to a meeting where a speaker came and there was a local person who funded it and some came to it. She stated that the opportunity for enlightenment and education was there. Councilor Krauch expressed appreciation to Councilor Winczewski for the information that he received on Thursday last week and he had other commitments this past weekend and was not able to do the research to cast a vote on this issue. He is not saying he is for or against the issue, but would like the opportunity to research both sides of the issue. Councilor Castonia questioned of Her Honor Mayor Holman the ability to discuss the issue once a motion to table is on the floor. City Attorney Wilson stated that there is no debate over a motion to table but it is up to the chair to decide. Councilor Henderson commented that sat on the Public Safety meeting and was in favor of putting this on the agenda for tonight. She stated that Councilor Krauch raises good points that the City Council should be making an informed decision and waiting until the next meeting would be appropriate so that all are comfortable in making an informed decision. Councilor Castonia commented that it was his committee that agreed to send this to City Council and this pipeline is going under a body of water. He stated that no pipeline should go under a body of water which could explode and cause

environmental concerns. He stated that that is all he has to know to make a decision and questioned what else is there to know. He stated that he is totally against tabling the motion.

Roll Call Vote on Tabling this Motion: Ayes: Councilors Henderson and Krauch. Nays: Councilors Rathsack, Winczewski, Johnson, and Castonia. This motion failed. The original motion to adopt the foregoing resolution was brought back for a decision. Councilor Krauch stated he would abstain from voting on the original motion as he did not have enough information to vote yes or no and Her Honor Mayor Holman stated that he could not abstain. Councilor Krauch voted against this original motion. Motion Carried to adopt the Resolution Opposing Oil transport through the Enbridge Energy Line 5 Pipeline.

#### ORDINANCE NO. 356-17

An ordinance to authorize the City Manager and City Clerk to enter into an agreement with the Republic Services to provide solid waste, yard waste & recycling services.

THE CITY OF LUDINGTON ORDAINS:

Section 1: The City Manager and City Clerk are authorized and directed to enter into the attached five (5) year agreement with Republic Services for garbage collection, solid waste, yard waste and recycling services.

Section 2: Severability: Should any provisions of this ordinance or any part thereof be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions hereof or of any other provisions of the City Code.

Section 3: Repeal: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4: Effective date: This ordinance shall be effective 20 days after publication.

Moved by Councilor Castonia, seconded by Councilor Winczewski, that Ordinance No. 356-17 be adopted. Councilor Castonia commented that this new contract begins next year and the City is on the old program through this year.

Roll Call: Ayes: Councilors Krauch, Castonia, Rathsack, Henderson, Winczewski, and Johnson.

Nays: None. Motion Carried.

Councilor Winczewski explained that the Planning Commission unanimously approved a motion to forward to City Council for approval, changes to the Ludington Zoning Map to rezone the following described property from CBD (Central Business District) to WCB (Waterfront Central Business District): Original Plat Lot 6 Block 41, also known as 209 S Rath Ave., Original Plat E23 Ft of Lot 7 Block 41, also known as 120 W Filer St, and Original Plat Lot 7 Except E23 Ft Block, also known as 124 W Filer St. The applicant is proposing a three story, mixed use development with four ADA compliant residential units on the main level. The current zoning, Central Business District, allows residential above the first floor only. The intent of the Waterfront Central Business District, according to Article 400.18 of the Ludington Zoning Ordinance and the City of Ludington Master Plan, is to permit an expansion of the Central Business District while encouraging pedestrian traffic to engage the natural assets of the waterfront during a shopping experience. It also allows higher residential densities and encourages pedestrian traffic to and from the waterfront.

Ordinance No. 363-17, an ordinance to amend the City of Ludington Zoning Ordinance No. 23-00, as amended to rezone from Central Business District to Waterfront Central Business District: Original Plat Lot 6 Block 41, also known as 209 S Rath Ave, Original Plat E 23 Ft of Lot 7 Block 41, also known as 120 W Filer St, and Original Plat Lot 7 Except E 23 Ft block 41, also known as 124 W. Filer St. was presented for the first reading. Mr. Bob Gibson, the owner of the property was available to answer any questions. Councilor Winczewski explained that the applicant is proposing a three story, mixed use development with four ADA compliant residential units on the main level. The current zoning, Central Business District, allows residential above the first floor only. The only difference in the zoning between the two districts is the residential use on the main level. She stated that the intent of the Waterfront Central Business District is to permit an expansion of the Central Business District while encouraging pedestrian traffic to engage the natural assets of the waterfront during a shopping experience. It also allows higher residential densities and encourages pedestrian traffic to and from the waterfront. Councilor Winczewski presented the area for this change in zoning on a map to the Council and public. Councilor Johnson asked if there was enough room to do this project and Mr. Gibson stated everything would be in line with the building code and there are not special restrictions. Councilor Castonia asked if Mr. Gibson would keep the two homes on the property and Mr. Gibson stated that everything would be razed. Councilor Rathsack asked if Mr. Gibson developed the site plan and Mr. Gibson stated it was in the packet. Councilor Rathsack asked if the site plan included an elevator and he was told the project does not include an elevator. Councilor Rathsack then asked about trash and recycle accommodations and he was told there was room for this in the parking area. City Manager Shay stated that there was a rendering of the development and if the City Council approves the zoning, Mr. Gibson would have to come before the site plan committee and this will answer the questions on trash and recycling. Councilor Henderson asked if this property was part of the DDA District and was wondering if this changed anything with the things that the DDA are currently doing downtown. City Manager Shay was not sure. City Attorney Wilson asked about the parcel to the north of this parcel in question is zoned Central Business District and it was confirmed that it was.

Ordinance No. 363-17 shall be presented for adoption on 6/26/17 and is available for public inspection in the City Clerk's office during regular business hours.

The meeting was opened for the second public comment.

Julia Chambers, 7936 Hansen Rd, Fountain, Mi, thanked City Council for passing the resolution and thinking of the Great Lakes.

Nancy Smith, City of Ludington, commented if the hand holding were to be held on M116 this would have a bigger impact for the event but no impact to the beach goes on that day. She also asked about the signage on Ludington Avenue. There are signs that show shopping and the arrows go east and west. There are no signs that go south on James Street. She stated that there are about 20 businesses on South James Street that would love to be pointed to.

C. Dale Bannon, City of Ludington, commented on the grand opening of the Port of Ludington Maritime Museum. He stated this is A #1 Smithsonian Plus and is well worth the trip.

Alan Haslum, 6449 Virnetta Drive, thanked City Council for passing the resolution on the Great Lakes. He commented that he has an impression about political agendas and stated that he gets an impression when someone opposes something or is uncomfortable about something as positive as the All Hands on Deck event is, there is a political agenda behind that also.

Tom Rotta, City of Ludington, commented on the fact that at the June 6<sup>th</sup> Planning Commission meeting Planning Commissioner Spence Riggs recused himself for the first time for discussing and voting on issues on his lot at 715 N Lavinia St. This recusal is too little too late. He stated that Spence Riggs purchased a wide lot in September 2016 and talked with Developer Bob Gibson about building on this property and found out that he could not build more on this property at that time due to zoning law so Spence Riggs petitioned to be on the Planning Commission. Less than a week later, the Planning Commission brought up small lots and small houses for the first time. Spence Riggs was on the Planning Commission and was assigned to the text subcommittee to drafting the ordinance that would let him split his land into three and build on the two undeveloped lots. He introduced and voted for this ordinance at the February Planning Commission meeting and advocated for it to the City Council. The City Council passed the ordinance in in late March and a month later he split his lot unlawfully. He gets verbal approval and sells for an undisclosed sum the se lots to Bob Gibson. He never once disclosed his conflict of interest. The City Council needs to deal with this ethical violation.

After no further comments were received, the regular order of business was resumed.

PROCLAMATION  
AMERICAN CANCER SOCIETY  
RELAY FOR LIFE

WHEREAS, the American Cancer Society is the nationwide community based voluntary health organization dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education, advocacy and service; and

WHEREAS, Dr. Gordon Platt founded the RELAY FOR LIFE idea, and literally ran and walked around a track in Tacoma, Washington in 1985 and raised over \$27,000 while traveling some 81 miles; and

WHEREAS, the American Cancer Society adopted this activity as its signature event to hold yearly nationwide, and this will be the "22nd" annual event to be held in Mason County; and

WHEREAS, the Mason County RELAY FOR LIFE has thousands of volunteers, and has raised almost \$1.5 million dollars to date to aid in the fight against cancer.

NOW, THEREFORE, BE IT PROCLAIMED, that I, Kaye Holman, Mayor of the City of Ludington, do hereby proclaim the month of June, 2017 as RELAY FOR LIFE MONTH and the dates of June 24th and 25th as RELAY FOR LIFE WEEKEND and urge all citizens to continue their generous support to the mission of the American Cancer Society of Michigan.

Moved by Councilor Castonia, seconded by Councilor Johnson, to adopt the Proclamation for the American Cancer Society Relay for Life. Motion Carried.

City Manager John Shay explained that it is the Michigan Department of Transportation (MDOT) which has jurisdiction over Ludington Avenue plans to resurface Ludington Avenue between Rowe Street and Jackson Road in 2018. The project will include replacing some of the curb and gutter, making minor repairs to the storm sewer system, milling and resurfacing the pavement, and restriping the road. MDOT will be seeking the City's input on the best time

of the year to complete the project. MDOT and the City have also discussed whether or not it would be a good idea, on a trial basis, to restripe Ludington Avenue between Jackson Road and William Street as a three-lane road (one travel lane in each direction with a center left-turn lane) compared to the current four and five lane configurations in order to improve safety and traffic flow. William Street rather than Rowe Street was discussed, as it was felt that it would be difficult to deal with transition issues at Rowe Street where Ludington Avenue expands to five lanes. Some of the factors to consider are:

Currently, the travel lanes are narrow (about 10 feet wide). By reducing the number of lane, the individual travel lanes would be wider (possibly 11 or 12 feet wide).

- It may be possible to add a paved shoulder and/or bike lane on one or both sides of Ludington Avenue.
- The downtown parallel parking spaces could be made wider to allow more of a buffer between parked vehicles and moving vehicles.
- There is the possibility that traffic backups could occur during peak times, especially during the summer months. Would this cause some traffic to divert onto local roads?
- How would the existing lane configurations at Jackson Road and at William Street be transitioned to three lanes between these intersections?
- If the trial is implemented to restripe the road, what time of year would it make the most sense to implement the trial? Would it be in the fall when the public would have about nine months to get used to it before the busy summer travel season or in the spring, so that the impact of this trial can be determine more quickly?
- While the idea of a trial involves only paint and not permanent structures, such as concrete curbs, what would the cost be to the City, if any, to restripe Ludington Avenue as a three-lane road?
- If the trial is deemed to be a failure, what would it cost the City to restripe Ludington Avenue back to its current configuration.

City Manager Shay suggested that the City formally request MDOT to study the issue. Once MDOT has collected the data and completed any traffic modeling, the City can review this information and come back at a later date with a consensus on whether or not to proceed with this trial of reducing the number of travel lanes. It was noted that it is important to obtain input from the general public, downtown business, and other interested stakeholders. This would be a trial involving paint only and no structure. The request to City Council is to simply to request MDOT to update this study and then allow for public input on this issue. Councilor Castonia stated he is totally against moving from five lanes to three lanes this but is willing to allow MDOT to study it further. Councilor Winczewski is interested in sending this to MDOT to study and is interested in looking at moving to three lanes in a trial period to see what happens. Councilor Johnson stated that he believes this should be worth looking at this. Councilor Krauch stated that he is for looking at obtaining the data from a study by MDOT. Moved by Councilor Winczewski, seconded by Councilor Krauch, to look at the MDOT to study the issue of converting Jackson Road to William Street to 3 lanes. Motion Carried.

Councilor Henderson congratulated Spectrum Health Hospital Foundation and West Shore Bank on a successful world record attempt at sand angels and she thanked the volunteers as well as the 1,300 people who came out to accomplish this feat. She also commented that the new Maritime Museum is now open and is a great attraction for the City. Councilor Krauch commented that he visited the Maritime Museum and it is impressive. Her Honor Mayor Holman commented on a successful Lakestride event as well as the LGBTQ event in the park.

Councilor Johnson asked if there was any merit to the allegations made in public comment against Spence Riggs and what he has done with those lots. City Manager Shay commented that there was a public hearing at the Planning Commission meeting on June 6<sup>th</sup> and there were two public hearings to consider requests for special land uses to construct a single family dwelling on a lot less than 60' wide. Spence Riggs owns three lots on North Lavinia Street which were originally platted as 50' lots. City Manager Shay stated that there is a distinction between parcels and lots. These 3 lots were originally platted as 50' wide lots. At some point in the past these 3 lots were combined into a single parcel. The issue was to split the parcel to 3 parcels, so one parcel to one lot, how this was originally platted. He stated there was not splitting of a lot. These lots are still the original platted 50' lots. At the Planning Commission meeting, Commissioner Spence Riggs did recuse himself during the public hearing and the reason for recusal as he was looking at selling these 3 lots to Bob Gibson for him to build smaller homes and it was Spence Riggs intention to buy one of these smaller homes. Spence Riggs would profit from this financially which is why he recused himself from discussion and vote on this matter. Since you could originally build on these 50' lots even without the recent change in the zoning ordinance. The only thing that the new zoning ordinance did with respect to originally platted 50' wide lots was to

allow a house to be built with a 500-square foot minimum rather than an 800-square foot minimum. It was not accurate for the statement that the City is ignoring its City Code requirements to get City Council approval for splitting this parcel is incorrect information. City Attorney Wilson stated that the subtext of the comments made during public comment were that one of the Planning Commission members has a stake in the outcome of the decision by the Planning Commission. City Attorney Wilson stated that Planning Commissions have no authority other than to recommend to City Council further action to a situation. He further stated that by Michigan Law, Planning Commissions are not supposed to be neutral and read MCL 125.3815 to the City Council. He stated that you are supposed to have competing interests on the Planning Commission which is why they make recommendations and not decisions for the City.

Moved by Councilor Johnson, seconded by Councilor Castonia, that the meeting be adjourned. So carried at 8:40 p.m.

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Deborah L. Luskin, CMMC  
City Clerk