

May 19, 2008

Regular meeting of the Ludington City Council held in the Council Chambers of the Municipal Building on Monday, May 19, 2008, at 7:30 o'clock p.m.

Present: His Honor, Mayor John Henderson, Councilors Kaye Holman, Paul Peterson, Greg Dykstra, Brent Scott, Dave Weston, Pete Enblade, and Gary Castonia.

Absent: City Treasurer Mary Reeds-Mortensen who was excused due to illness.

Also present were City Manager John Shay, City Attorney Roger Anderson, Police Chief Mark Barnett, Fire Chief Jerry Funk, and City Clerk Deborah Luskin.

Invocation was pronounced by Councilor Pete Enblade.

Pledge to the Flag was given.

Moved by Councilor Dykstra, seconded by Councilor Castonia, that the Agenda be approved as presented. Motion Carried.

The meeting was opened for public comments.

Sue Ann Schnitker, 409 E. Ludington Ave., introduced herself and explained that she and her husband have lived in Ludington for 2-1/2 years and own Cartier Mansion. She thanked the City for accepting her family into the community and asked Council to vote yes on various issues before them such as the closure of North James Street. This closure will provide a city center for a gathering place as well as enhance the adjacent properties such as the restaurants for outside eating. She also believes this will build on the idea of Ludington as a walk able city and will act as an anchor to the downtown development. Traffic flow was recognized as a small inconvenience but one that could be worked out. She also asked Council to vote yes on the Horse Chase LLC for the horse drawn carriage rides as well as the request for the guided tour van.

Dan Scripps introduced himself and explained that he is running for State Representative in the 101st District from Leelanau County.

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

Moved by Councilor Castonia, seconded by Councilor Scott, that the minutes of the regular meeting held 05/05/08 be approved as printed. Motion Carried.

A public hearing was held to discuss the closure to vehicular traffic on that portion of North James Street between Ludington Avenue and Court Street (except the alley). The area would be used as a community gathering with outdoor seating.

Two comments were received via email to the City Clerk. Ronald Johnson responded in favor of the closure. Leo of Luciano's Restaurant spoke in favor of the closure.

Terry Murphy, 321 N Rath Ave., stated that the closure of North James Street will make Ludington more walk able. She explained that there are not a lot of common spaces downtown and believes this would be a welcome addition to the downtown. Terry asked Council to consider voting yes on this issue.

Lyla McClelland, 311 N Harrison St., introduced herself and explained that she was a member of the original Downtown Development Authority and shared the original plans which called for the closing of North James Street. She echoed comments that had been said earlier in favor of this closure.

Moved by Councilor Castonia, seconded by Councilor Holman, to temporarily close the 100 block of North James Street with the exception of the alley. Councilor Peterson stated that this would be a move in the right direction to enhance the downtown and would be a step forward for the City. Councilor Enblade asked if the City would designate a parking area for pick up and deliveries. He expressed concern over what happened in the past when the City closed off a portion of North James Street and placed a gazebo in that area. He hopes that when the interest dies off that this area does not become a nuisance and asks that there will be adequate policing. Councilor Scott explained that there will be a delivery area as well as pickups for LMTA. Councilor Enblade then asked how long the City was planning on temporarily closing this area. His Honor Mayor Henderson suggested that the temporary closure go through the tourism season and be revisited in October with the parking on pickups and deliveries worked out in October to

eliminate the traffic flow problem with summer tourist season. The way the street will be closed is with oversized decorative pots and plants. Police Chief Mark Barnett also suggested that the north end of this block would be a perfect location for pickup and drop off of tours, with the alley access for deliveries and the south end of James Street with a cut in to allow for pickup and deliveries.

Moved by Councilor Enblade, seconded by Councilor Dykstra, to amend the initial motion to bring the closure of the 100 block of North James Street (with the exception of the alley) back to Council on October 13, 2008. Motion Carried.

Discussion continued on the original motion. Councilor Scott questioned the loss of one handicap parking space and suggested moving the handicap parking sign to the parking lot north of the alley and to add another handicap parking lot. Councilor Peterson asked if there were any issues with the Fire Department. Fire Chief Funk was available and he stated as long as the alley was left open there would be no concerns with closing the 100 block of North James Street. Councilor Dykstra concurred with the concerns of Councilor Enblade as well as his concerns with the additional traffic on Harrison Street and Rath Avenue. He explained that he is excited about trying the plan but is still concerned about the traffic flow as well as the type of people who will be gathering in this location. Motion Carried. Mayor Henderson stated that on behalf of the Downtown Board and himself he would like to thank the Council for the temporary closure of North James Street. He stated the concerns are understood but the potential for what could happen here outweighs the concerns and will all be addressed again in October.

Moved by Councilor Peterson, seconded by Councilor Holman, that the request received from the American Association of University Women Ludington Branch to place signs in the City advertising the 19th annual Antique Show on July 13, 2008, be approved. Motion Carried.

DOWNTOWN LUDINGTON BOARD REQUEST TO HOLD FRIDAY NIGHT LIVE EVENT

WHEREAS, the Ludington Downtown Board is proposing "Friday Night Live events in downtown Ludington to promote the downtown by providing a family atmosphere with a variety of entertainers on July 18, 2008, July 25, 2008, August 1, 2008, and August 8, 2008; and

WHEREAS, the proposed location for the festival is Ludington Avenue between Harrison Street and Robert Street and the first half block of North and South James Street and North and South Rath Ave; and

WHEREAS, MDOT requires the City Council's approval of requests for street closure.

THEREFORE, BE IT RESOLVED, that the Ludington City Council approves the Downtown Ludington Board's request to close Ludington Avenue from 5 p.m. to 10 p.m. on the above dates.

Moved by Councilor Scott, seconded by Councilor Holman, that the foregoing Resolution be approved. Motion Carried.

RESOLUTION OF REQUEST TO HOLD BLESSING OF THE BADGES EVENT

WHEREAS, the Blessing of the Badges Committee is proposing "Blessing of the Badges Ceremony" in downtown Ludington to honor area public service professionals and personnel on August 2, 2008; and

WHEREAS, the proposed location for the ceremony is Ludington Avenue, West of James Street to Rath Avenue; and

WHEREAS, MDOT requires the City Council's approval of requests for street closures.

THEREFORE, BE IT RESOLVED, that the Ludington City Council approves the Downtown Ludington Board's request to close Ludington Avenue from 10 a.m. to 12 p.m. on the above date.

Moved by Councilor Holman, seconded by Councilor Peterson, that the foregoing Resolution be approved. Motion Carried.

RESOLUTION OF REQUEST TO HOLD BIKE NIGHT EVENT

WHEREAS, the Ludington Downtown Board and the Community Development Department are proposing the annual "Ludington Bike Night" event in downtown Ludington to promote the downtown by providing a variety of entertainment on September 13, 2008; and

WHEREAS, the proposed location for the festival is South James Street from Ludington Avenue to the alley between Foster and Danaher, and the side streets between Rath Avenue and Harrison Street from James Street to the alleys (with the exception of Loomis Street west of James Street); and

WHEREAS, MDOT requires the City Council's approval of requests from street closures.

THEREFORE, BE IT RESOLVED, that the Ludington City Council approves the request to close South James Street from Ludington Avenue to the alley between Foster and Danaher Streets, and the side streets between Rath Avenue and Harrison Streets from James Street to the alleys (with the exception of Loomis Street west of James Street) to vehicular traffic other than motorcycles from 4 p.m. to 9 p.m. on the above date.

Moved by Councilor Castonia, seconded by Councilor Dykstra, that the foregoing Resolution be approved. Motion Carried.

RESOLUTION BY DOWNTOWN LUDINGTON BOARD TO REQUEST TO HOLD OKTOBERFEST EVENT

WHEREAS, the Ludington Downtown Board is proposing "Oktoberfest" events in downtown Ludington to promote the downtown by providing a family atmosphere with a variety of activities on October 4, 2008; and

WHEREAS, the proposed location for the festival is Ludington Avneue between James Street and Rath Ave.;

and

WHEREAS, MDOT requires the City Council's approval of requests for street closure.

THEREFORE, BE IT RESOLVED, that the Ludington City Council approves the Downtown Ludington Board's request to close Ludington Avenue from 10 a.m. to 6 p.m. on the above date.

Moved by Councilor Castonia, seconded by Councilor Dykstra, that the foregoing Resolution be approved. Motion Carried.

Moved by Councilor Scott, seconded by Councilor Weston, that the request by the Ludington Elks Lodge #736 to put a lighted sign in front of their building on May 28, 2008 through June 1, 2008 to promote the Friday night dinner and fundraising event for the Andre' Bosse Center be approved. Councilor Holman questioned where this sign was to be placed. Tim Callihan, Lodge Secretary for the Elks Lodge, was available to answer questions. He stated that the proposed spot would be the first parking spot just west of Harrison Street on the north side of Ludington Avenue. It would be an 8 foot long by 2 foot wide trailered sign with an extension cord plug in to go across the sidewalk with an extension guard. Police Chief Barnett suggested that there might be an electrical box in one of the trees to avoid the cord across the sidewalk; however, he has no problem with this sign. Councilor Holman stated that it is a prohibited sign in the Downtown Ludington Area. City Manager Shay stated that there is a provision in the zoning ordinance which allows a community or special event sign advertising a public entertainment or event if approved by City Council as to size, location, duration or content. This request for the lighted sign meets these requirements under the special zoning ordinance and as such is coming to City Council for approval. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Peterson, that the Finance Report with total expenditures in the amount of \$587,010.64 for this period be approved and orders drawn according to the City Charter. Motion Carried.

Moved by Councilor Weston, seconded by Councilor Castonia, to approve the request by Horse Chase LLC, Mike and Courtney Morrow owners, to provide carriage rides in downtown Ludington during the months of June through September from 5 to 10 p.m. The Morrrows were available to answer questions. They did ask to put up a sandwich sign on the corner of Ludington Avenue and James Street. His Honor Mayor Henderson stated that the City must send the sandwich sign back to Planning Commission for discussion prior to approval. Councilor Engblade stated at the Public Safety Committee meeting there was discussion about the possibility of a second carriage and horse if there was interest. The Committee has left this up to the City Manager and the business to decide if an additional carriage would be allowed. Councilor Castonia questioned the location of the start of the tour being Loomis Street Boat Launch. The Committee recommended that the Morrrows move this start to the James Street Court Street area and that was found to be acceptable by the Morrrows. The location of the start will be left up to the discretion of the City Manager and the Chief of Police. Councilor Holman reminded the Morrrows that the sandwich sign request has to go back to the Planning Commission. Motion Carried.

Moved by Councilor Weston, seconded by Councilor Dykstra, to approve the request by Lisa Cooper to operate a Beachology 101 guided tour vehicle (14 Passenger Van) in the Ludington area during the summer. Lisa Cooper, 1588 N. Dennis Road, explained that this guided tour is a 90 minute spoken guided tour of the north Lakeshore highlighting the history, industry, biology, and local lifestyle facts. Councilor Weston questioned the number of vehicles and Lisa explained that it is her intention to operate only one vehicle at the present time. Councilor Peterson asked about historical facts of the area. Lisa explained that she is working on a script for the driver, which begins with the foundation of the area, the rise and fall of the logging industry, and have several contacts to ensure that the facts are correct. Councilor Dykstra asked where the van will be stationed. The tours will begin on Court Street and North James Street. Councilor Holman reminded all that the sandwich signs must go to Planning Commission. Councilor Dykstra asked if this request as well as the horse carriage rides were just a one season thing. It was explained that the business will drive the decision for the future. Motion Carried.

RESOLUTION IN SUPPORT OF USING LOCAL BRIDGE PROGRAM FUNDS TO REPLACE THE SOUTH WASHINGTON AVENUE BRIDGE

WHEREAS, the City of Ludington retained Scott Civil Engineering Company to inspect the South Washington Avenue bridge; and

WHEREAS, Scott Civil Engineering Company inspected the bridge on September 10, 2007; and

WHEREAS, the inspection report revealed that the bridge is in terrible condition and the box beams on the South Washington Avenue Bridge are in serious condition due to the fact that there were multiple areas where pre

stressing strands were exposed and broken. The exposed strands that were not broken will continue to deteriorate rapidly; and

WHEREAS, Scott Civil Engineering Company is recommending that the City of Ludington strongly consider replacing the superstructure in the near future; and

WHEREAS, the estimated cost to replace the bridge in \$1,790,000, which includes both construction and engineering costs; and

WHEREAS, the City of Ludington has prepared an application to obtain funds in fiscal year 2011 from the Local Bridge Program to pay for a maximum of 95% of the construction costs to replace the South Washington Avenue Bridge. Thus, the City's match would be approximately \$315,476 (\$89,500 construction costs + \$225,976 engineering costs).

NOW, THEREFORE, BE IT RESOLVED, that the City Councilor of the City of Ludington hereby supports the City of Ludington's application to replace the South Washington Avenue bridge in fiscal year 2011 with funds from the Local Bridge Program.

City Manager Shay explained that this application has been before City Council before. The application from last year had not been rejected, but was not approved by MDOT. The bridge was inspected in September 2007 and it was indicated that the bridge was in poor shape. As a result, the City lowered the weight limits on the bridge. The local bridge program would pay 95% of the construction costs and none of the engineering costs and the City's portion would be about \$315,476 with work to occur in 2011. The bridge is 41 years old. Councilor Weston asked about the estimate and it was explained that the estimate included a 4% inflation factor to go to 2011 which is the basis of this recommendation. Councilor Peterson asked if in 2005 when the last bridge inspection was done if the bridge was fine then. It was explained that the bridge was not listed as unsafe at that time; however, in 2007 it was listed as unsafe. City Manager Shay explained that under the major street program the City tries to do these projects in conjunction with a grant. Councilor Engblade stated that if the City is going to replace the bridge, a maintenance standard should be put in place to ensure the life expectancy of the bridge and to ensure safety. City Manager Shay explained that the recommendation from the bridge inspector is to replace the bridge. His Honor Mayor Henderson stated that the bridge is safe and the weight restrictions have been lowered, but he assured everyone that the bridge needs to be replaced.

Moved by Councilor Castonia, seconded by Councilor Weston, to approve the foregoing Resolution in Support of Using Local Bridge Program Funds to Replace the South Washington Avenue Bridge. Motion Carried.

Councilor Engblade presented the April Building, Zoning, and Enforcement Report.

Ordinance No. 178-08, an ordinance to amend Section 14-49 of the City Code as it relates to professional monument workers as the only ones to lay the monument and that the foundations of monuments be purchased from the City was presented for the first reading.

His Honor Henderson asked the Planning Commission to look at the sandwich signs for businesses either in front of their business as well as away from their business.

Councilor Castonia stated that at his last meeting of the WMRSDC he received an update on the prison in Baldwin which is hoping to be up and running with 400 jobs by August 2009. Most of the prisoners will be INS people and two to five year felony prisoners. This may also boost the economy in Mason County. His Honor Mayor Henderson commended Representative Hansen for his work in this area.

Moved by Councilor Peterson, seconded by Councilor Dykstra, that the meeting be adjourned. So carried at 8:55 p.m.

Deborah L. Luskin, City Clerk