

May 24, 2010

Regular meeting of the Ludington City Council held in the Council Chambers of the Municipal Building on Monday, May 24, 2010, at 6:30 o'clock p.m.

Present: His Honor Mayor John Henderson, and Councilors Kaye Holman, Paul Peterson, Wally Taranko, Wanda Marrison, and Pete Engblade.

Absent: Councilors Brent Scott and Gary Castonia who were excused.

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

Invocation was pronounced by Councilor Engblade.

Pledge to the Flag was given.

Moved by Councilor Peterson, seconded by Councilor Holman, that the Agenda be approved as presented. Motion Carried.

The meeting was opened for public comments.

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

Moved by Councilor Engblade, seconded by Councilor Peterson, to approve the minutes of the regular meeting 05/10/10. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Taranko, that the request from the American Association of University Women to post signs at designated locations to advertise the 21st Annual Antique Show at the Mason County Fairgrounds on Sunday, July 11, 2010, be approved. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Peterson, that the Finance Report with total expenditures in the amount of \$363,849.93 for this period be approved and orders drawn according to the City Charter. Motion Carried.

Moved by Councilor Engblade, seconded by Councilor Holman, that the low bid for Elmers' Crane and Dozer of \$13.48 per lineal foot be approved for the 2010 alley paving. Motion Carried.

RESOLUTION APPROVING THE DRAFT COMPREHENSIVE PLAN FOR DISTRIBUTION

WHEREAS, the Michigan Planning Enabling Act, MCL 125.3801 et seq. ("MPEA") authorizes the Planning Commission to prepare a Comprehensive Plan for the use, development and preservation of all lands in the City of Ludington; and

WHEREAS, the City of Ludington Planning Commission has undertaken an effort to evaluate and update the City's Comprehensive Plan and has assembled a revised draft Comprehensive Plan; and

WHEREAS, the Michigan Planning Enabling Act, MCL 125.3842, requires the City Council to authorize distribution of the Comprehensive Plan to the notice group entities identified in the MPEA; and

WHEREAS, the Michigan Planning Enabling Act, MCL 125.3843, provides the Ludington City Council with the option to assert their right to adopt the Comprehensive Plan following a public hearing and recommendation of the Planning Commission on the new Comprehensive Plan following appropriate public notice.

NOW, THEREFORE, BE IT HEREBY REOLVED AS FOLLOWS:

1. Intent to Adopt Master Plan. Pursuant to MCL 125.3843, the Ludington City Council hereby asserts its right and intention to adopt a new Comprehensive Plan.
2. Distribution of Draft Plan to Notice Group. Pursuant to MCL 125.3842, the Ludington City Council hereby approves distribution of the draft updated Comprehensive Plan to the Notice Group outlined in MPEA for review and comment.

Moved by Councilor Engblade, seconded by Councilor Taranko, that the foregoing Resolution be adopted. Councilor Peterson asked what the cost of the comprehensive plan was. City Manager Shay explained that the last comprehensive plan was prepared with the help of Williams & Works in 2004 and most of the updating of the plan was done by Carol Ann Foote and Tom Coleman. No cost factors were available. This plan will then be distributed to

various entities for a 43 day public comment period and if there are no comments, it will be brought back to the Planning Commission and to the City Council for approval. Motion Carried.

Ordinance No. 211-10, an ordinance to amend the City of Ludington Zoning Ordinance No. 23-00, as amended, was presented for the first reading. The Michigan Planning Enabling Act, Act 33 of the Public Acts of Michigan of 2008, requires all municipalities in the State to establish or re-establish their Planning Commissions by ordinance by July 1, 2011.

Ordinance No. 211-10 shall be presented for adoption on June 14, 2010 and is available for public inspection in the City Clerk's office during regular business hours.

A public hearing was set for June 28, 2010, at 6:30 p.m. in the Council Chambers to hear comments on the application for Industrial Facilities Tax Exemption Certificate by DUNA USA, Inc.

Councilor Enblade presented the April Building, Zoning, and Enforcement Report. Councilor Holman questioned the location of the condominium build outs referred to in this report. It was explained that these are located at Harbor Terrace.

GREAT LAKE WIND FARMS PERMITTING RESOLUTION

WHEREAS, Governor Granholm formed the Michigan Great Lakes Offshore Wind Council (GLOW) in early 2009 to study and report back its findings with recommendations on possible rules and regulations addressing the permitting of offshore wind farms on the Great Lakes; and

WHEREAS, in its report, GLOW recommended a minimum of a 6-mile buffer between an offshore wind farm and the shoreline; and

WHEREAS, the GLOW report does not directly address how local community input should be obtained to address the establishment of offshore wind farm areas; and

WHEREAS, the local communities that are affected by, or would be able to view an offshore wind farm should be part of any approval process involving the permitting of offshore wind farms on the Great Lakes; and

WHEREAS, the State Legislature is in the process of developing legislation that would establish the rules, regulations, and overall process by which the State would issue a permit for the construction of offshore wind farms on the Great Lakes.

NOW, THEREFORE BE IT RESOLVED, that the Ludington City Council hereby requests the State of Michigan to include in legislation currently being drafted on the permitting of offshore wind farms the provision that approval from the governing bodies of the local communities that would be affected by, or would be able to view, an offshore wind farm located within 15 miles of the shoreline on the Great Lakes; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to Governor Granholm, the City of Ludington's state legislators, and the GLOW Council.

His Honor Mayor Henderson explained that with all the talk about Great Lakes Wind Farms, there are no provisions being exercised at this time for local communities to have a say in this process other than through a public hearing. His Honor Mayor Henderson stated that locals should have some say in the decision making process of the wind. Moved by Councilor Holman, seconded by Councilor Marrison, that the foregoing resolution be adopted. Councilor Peterson questioned the approval of all governing bodies, does this mean all of the governing bodies or just the majority of these bodies. His Honor Mayor Henderson stated all of the affected municipalities would have to approve this. Ultimately, all municipalities which will be affected by this type of farm should have a say in the decision of the placement, size, etc. His Honor Mayor Henderson asked that this resolution be electronically mailed to all affected coastal entities in Michigan. Motion Carried.

Councilor Enblade asked when the snow fences would be down. City Manager Shay explained that he had spoken with the DPW Superintendent today and the fences would be down this morning.

Councilor Holman presented a belated compliment to the DPW from the owners of The Grand who expressed appreciation for the snow plowing this winter.

Councilor Peterson complimented the City on how good the new transient dock looks right now.

Moved by Councilor Enblade, seconded by Councilor Taranko, that the meeting be adjourned. So carried at 6:50 p.m.

Deborah L. Luskin, CMC
City Clerk