

October 13, 2008

Regular meeting of the Ludington City Council held in the Council Chambers of the Municipal Building on Monday, October 13, 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 Enghlade, and Gary Castonia.

Absent: None

Also present were City Manager John Shay, Police Chief Mark Barnett, Fire Chief Jerry Funk, City Treasurer Mary Reeds-Mortensen, and City Clerk Deborah Lusk.

Invocation was pronounced by Councilor Pete Enghlade.

Pledge to the Flag was given.

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

The meeting was opened for public comments.

Mary Sherlock, 209 N. William, explained how upset she was regarding the house at 201 N. William St., which is owned by Mr. Zeman. She stated that there is black mold in the basement and people continue living in this house. She does not understand why this house is not condemned like the house on Foster St. All of the people who lived in the Foster St. house moved to the 201 William St. house. This house is a dump and is bringing the property values of the houses in the neighborhood down. She explained that she is a landlord and a few years ago the City tried to get a rental inspection code going and has asked that the City work to put together a code so that each landlord's rental property is inspected.

David Holmquist, 207 S. Washington Ave., Manager of Ludington Taxi, and Joyce Padron, 118 E. Danaher St. mother of the owner of Ludington Taxi, Dennis Padron, explained that several months ago Dennis gave some taxi rules to Officer J.B. Wells and stated that he would like to see these rules be implemented as other taxi companies are now starting to show up around town. He would like to see the rules in place for taxi companies so that he can compete fairly. David stated that the owner of Town & Country Taxi, is a sex offender and he stated that all of his internet research revealed that sex offenders are not allowed to drive taxis. It is difficult to compete and pay the required insurance if Ludington Taxi continues to lose business to companies that may not be set up legally. They do not believe that Town & Country Taxi is acting legally as they go to the bars and tell the customers that they will charge half price for rides. They also state that there are no meters in the Town & Country Taxi cars. There are no laws in Ludington for the taxi business. There needs to be fair rules for competition in Ludington for the taxi businesses and there needs to be laws which require the taxi vehicles to be checked regularly, that there is adequate insurance coverage, and that there are working meters in the vehicles.

Bill Loforte, 207 N Gaylord Ave., spoke on the recent shooting at 201 N. William St. He explained that he owns a rental house at 310 W. Court St., and he stated that for too long he has turned his head the other way regarding 201 N. William St. There has been drug dealing in this house in the past and now there has been a shooting. The day after the shooting, he knocked on several doors up and down the street and no one wants to get involved. This has been the attitude in the past, and now it is getting worse, but he believes that the City has to do something now. He has a personal interest in getting 201 N. William cleaned up and asked whether the Council has a personal interest in this situation. He is asking the Council to find a way to care, to find a way to correct this situation and to clean this house up.

Curtis Haynes, rents the place at 310 W. Court, and lives there with his fiancé and three children. He explained he has a clear view of what is going on at 201 N. William St. He works late at House of Flavors Restaurant and comes home at night to 15-30 kids on the street at this house. There are children and a fiancé at his home and he is concerned for their safety. There are people going in and out of this house at 201 N. William St. at all hours of the day and night. There are 13 people living in the basement of this home and 6 of these are kids. He is concerned about the welfare of his family especially when there was a shooting. He explained that he moved to this side of town because it was supposed to be the good side of town. He is looking for a solution to clean the house up at 201 N. William St.

Gene Point, 306 S. Delia, told Council about the same type of houses and the same type of people who live in these houses. He lives at a house on Foster St. next to the house that the City just recently condemned. He is

questioning how long he has to put up with the smell at that house. He cannot even walk to his garage without getting sick to his stomach, something has to be done.

Dan Grubich, 210 N. William St., also commented on the house at 201 N. William St., and explained that a lot of the neighbors are putting in a lot of time and money to improve their homes and this improvement is all held up because of this one landlord who is not making the effort with the house and with the people he is renting to. He explained that he is reaching out and looking for a solution to this problem as he is at his wits end.

Fred Jamieson, 207 N. William St., complained about 201 N. William St. and explained that he has complained in the past about the trash left and the cars that block the sidewalk. There does not seem to be any end to what the people will do on that corner. He feels there must be rules about the number of people living in an apartment as well as providing parking spaces for tenants. He is asking Council to listen to him and his neighbors and start some action soon to correct this situation.

Kim Spooler, 306 W. Court St., commented that she has only been in this house since April. She has seen an increase in fights at 201 N. William St. and the gangs are growing. She has a 15 year old daughter who is also seeing what is happening and she is concerned about her daughter's safety. She also works in the public school system and sees the young kids who live at 201 N. William St. who do not have any rules to live by and she is concerned for them as well. She stated that someone needs to watch out for these kids.

Lucy Kuras, 602 E. Lowell, received a letter from the Planning Commission on the public hearing for rezoning 901 N. Washington Ave. She attended this meeting and was not aware of what went on. There appeared to be confusion as to when the public was to speak. She tried to raise her hand to make a comment apparently after the public comment period and was told she was not able to speak at that time as the comment session was over. She has asked City Manager Shay and Fire Chief Funk about the records they keep on fire calls.

His Honor Mayor Henderson referred the taxi service comment to Public Safety Public Utilities Committee for action. He also sent the rental standards and specifically to understand what is going at 201 N. William to Public Safety and Public Utilities Committee. The Foster St. smell issue will also be addressed at the Public Safety Public Utilities Committee.

City Manager Shay stated that in the past, the rental ordinance issues have gone to the Building & Licenses Committee. Councilor Engblade stated that he is concerned about the number of times the residents in the 200 block of North William St. have called the police. The public commented that there were lots calls made to the police, so it will go to the Public Safety Public Utilities Committee.

Councilor Scott expressed appreciation to the speakers who addressed their concern for their neighborhood.

Councilor Holman stated that the Planning Commission has a Committee consisting of Mike Nekola and Joe Moloney who have been involved in rental regulations and she suggested that the Public Safety Public Utilities Committee make contact with this group based on the amount of work they have already performed.

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

Moved by Councilor Holman, seconded by Councilor Peterson, that the minutes of the regular meeting held on 9/22/08 and the special meeting held on 9/17/08, be approved as printed. Councilor Holman asked that the minutes of the special meeting held on 9/17/08 be corrected to reflect that the Downtown Ludington Board is planning on hiring one summer seasonal employee and the City is planning on hiring 3-4 summer seasonal employees to maintain the downtown and City. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Peterson, to approve the Fall Hustle by the Lakestride Running Club held Tuesday October 28th in Cartier Park right after school. Motion Carried.

Moved by Councilor Scott, seconded by Councilor Dykstra, to approve the Ludington & Scottville Chamber of Commerce 'Aglow on the Avenue' holiday parade on Friday, December 5, 2008. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Peterson, that the Finance Report with total expenditures in the amount of \$589,967.55 for this period be approved and orders drawn according to the City Charter. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Peterson, to approve the purchase of a CAT 938h Wheel Loader in the amount of \$158,000. Motion Carried.

Moved by Councilor Castonia, seconded by Councilor Weston, to approve the low bid submitted by Jackson-Merkey Contractors in the amount of \$63,457.78 based on the changes to the project specifications for the new leachate receiving station at the wastewater treatment plant. At the meeting on April 28, 2008, City Council approved seeking bids to construct a new leachate receiving station at the wastewater treatment plant, which would allow haulers of leachate and septage waste to dump their load directly at the wastewater plant. The City received three bids of which Jackson-Merkey submitted the low bid of \$77,186, which was higher than the engineer's estimate of \$40,520. The primary reasons for the bid being higher than the engineer's estimate are that some additional paving was added to the project to improve the turning radius for trucks and to eliminate some drainage problems along with the cost to install the pumps was higher than anticipated. To reduce the cost of this project, it was the consensus of the Public Utilities Committee to eliminate all additional paving of the driveway approaches at the wastewater treatment plant, agreeing to use alternate pumps, agreeing to use different materials for the pipes in the wet well, and having the City clean the wet well prior to the installation of the pumps and piping. These changes reduced the project cost to \$63,457.78. Councilor Enghlade asked if by reducing the bid, has the City reduced the quality of the project and the life expectancy of the project. It was explained that the quality of the project and the life expectancy were not be decreased. Motion Carried.

Moved by Councilor Castonia, seconded by Councilor Dykstra, to award the Gravity Sewer Portion of the Bryant Road Sewer Extension Project to Hallack Contracting for \$48,442.00. City Manager Shay, explained that while Mark Lee of Prein & Newhof was preparing the project to go out for bid, there were two parts to this bid; one being the digging to put in the new sanitary sewer main along Bryant Road between Lakeshore Dr. and Vogel St., and the second part is to install directional drilling and force main to reroute the Tamarac force main and the force main from the Cartier and Linlook Parks. When Mark Lee was soliciting for companies who would be interested in this project, Hallack Contracting indicated that they would use the same unit prices from the North Rowe street project on this project. By doing this and by not going out on bid the work could be started three weeks earlier than what was expected. Councilor Scott explained that Hallack's pricing on the Rowe St. which would carry over to this project is considerably lower than other pricing. Motion Carried.

Moved by Councilor Enghlade, seconded by Councilor Castonia, to approve the proposed First Amendment to the License Agreement between the City of Ludington and AT&T. Councilor Enghlade asked if this was an ordinance, and it was explained that the City is not paying anything out so it does not have to be approved in ordinance form. The City has been renting out the use of the water towers for antennas by NPI-Omnipoint Wireless and the lease is to expire October 31, 2008. AT&T recently acquired ownership of these antennas and is asking the City to consider an agreement for 30 years (six 5-year terms). The current agreement has what was NPI, now AT&T, paying the City a monthly rent of \$1,500 for both towers. In addition, the City receives five free phones with free phone service, which has a value of about \$250 per month. AT&T will eliminate the free phones and free phone service and increase the monthly rent to \$2,800 in exchange for the right to replace the existing equipment and have the capability of installing up to nine antennas on each tower. There is a 3% cost of living increase each year. City Attorney Anderson explained that the City is not leasing the water towers, but rather allowing AT&T to put these antennas on the water towers. Motion Carried.

Councilor Enghlade presented the September Building, Zoning, and Enforcement Report.

Dawn Evans, Life Guard Supervisor, presented an update on the 2008 Life Guard Season. She explained that it was a very good season with very few problems. When the kids were not on life guard duty, they were able to help at Friday Night Live events, working at the Cemetery, as well as helping at City Hall. She stated that the kids would like to start the season a little earlier next year, possibly in the middle of May.

RESOLUTION APPROVING THE APPLICATION FOR CONVEYANCE

WHEREAS, the City of Ludington desires to construct a breakwater from the shore out 280 feet to an existing breakwater at the Loomis Street boat launch in order to minimize future dredging of this boat launch facility; and

WHEREAS, the construction of the new breakwater requires the Michigan Department of Environmental Quality to approve a Great Lakes Bottomland Conveyance Application filed by the City of Ludington.

THEREFORE, BE IT RESOLVED, that the Ludington City Council approves the Application for Conveyance.

Moved by Councilor Holman, seconded by Councilor Peterson, to adopt the foregoing Resolution Approving the Application for Conveyance. City Manager Shay explained that this is simply an application to apply for conveyance and is not the bottomland agreement itself. He also explained that because of the lateness of the Bottomlands Agreement, the Marina Project is put on hold until next fall after the boating season. Mark Lee explained the City has not applied for the permit for the breakwater, which is a 3 month period and the process to build the breakwater would take 3 months. His Honor Mayor Henderson stated that he would like to start this process as soon as

possible. There is a concrete walkway above this dock and the City has not received all of the funding for this yet. It was suggested that we see what these projects cost. It was recommended that the Waterfront Committee look at this to determine when the appropriate time would be to start the project, spring or fall. Motion Carried.

Heather Loney, Community Development Director, made a presentation on the input she has received from the Downtown Ludington Board and the downtown businesses about the idea of making the temporary closure of the 100 block of North James Street permanent. The Downtown Ludington Board approached the City in May 2008 about the closing of North James St. The Downtown Ludington Board met today and she provided their recommendation. The way she sees it there are four options.

1. Vote to close the 100 block of North James St. permanently.
2. Vote to close the 100 block of North James St. permanently and review it in a year's time.
3. Vote to close the 100 block of North James St. seasonally.
4. Vote to reopen the 100 block of North James St. permanently.

Business owners stated that they have seen an increase in foot traffic this summer. The Downtown Ludington Board did vote to recommend to the City Council a permanent closure of the 100 block of North James St. Councilor Holman explained that there were letters discussing how to take care of snow. She questioned whether DPW could handle the snow around the big planters. Shawn McDonald, Superintendent of DPW, stated that they could handle the snow removal. It was explained that it was not a complete consensus from the business owners to close this area, some of the business owners have expressed concerns about the closure. Three written comments were provided for Council's review. Two were supporting the closure and one expressed his concern regarding the closure all year, he believes it should be closed from November through May. His Honor Mayor Henderson suggested that Council look to keep it closed and then review it again next year. Moved by Councilor Holman, seconded by Councilor Weston to permanently close the first block of North James St. for one year and address it again in one year with the alley remaining open. Councilor Engblade opposed. Motion Carried.

Moved by Councilor Dykstra, seconded by Councilor Holman, that the meeting be adjourned. So carried at 8:50p.m.

Deborah L. Luskin, City Clerk