



CITY COUNCIL MEETING AGENDA

February 16, 2023

Mark Ammel, Mayor
Karen Moore, Mayor Pro Tem
Ronald J. Beauchamp, Council Member
Tyler DuBord, Council Member
Todd Flath, Council Member

James R. McNeil, City Manager
Phil DeMay, City Clerk
Laura J. Genovich, City Attorney

City Council Chambers located at: City Hall – 410 Ludington Street – Room C101 – Escanaba, MI 49829

The Council has adopted a policy to use a Consent Agenda, when appropriate. All items with an asterisk (*) are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member or citizen so requests, in which event, the item will be removed from the General Order of Business and considered in its normal sequence on the Agenda.

Regular Meeting

Thursday, February 16, 2023, at 7:00 p.m.

CALL TO ORDER

ROLL CALL

INVOCATION/PLEDGE OF ALLEGIANCE

APPROVAL/CORRECTION(S) TO MINUTES – Regular Meeting – February 2, 2023

APPROVAL/ADJUSTMENTS TO THE AGENDA

CONFLICT OF INTEREST DECLARATION(S)

BRIEF PUBLIC COMMENT(S)

PUBLIC HEARINGS

1. Public Hearing – Citizen Participation – 2023-2024 Fiscal Year Budget Preparation.

Explanation: A public hearing will be conducted to facilitate input from citizens for the City's next fiscal year budget. This is the second of five (5) scheduled public hearings.

2. Second Reading, Public Hearing and Adoption of Ordinance No. 1274, Ordinance Addressing Floodplain Management Provisions of the State Construction Code.

Explanation: Administration is requesting City Council to consider approval and adoption of Ordinance No. 1274, Ordinance Addressing Floodplain Management Provision of the State Construction Code.

UNFINISHED BUSINESS – None

NEW BUSINESS

1. Approval – Resolution 23-02 – Michigan Community Resolution and Intergovernmental Agreement to Manage Floodplain Development for the National Flood Insurance Program.

Explanation: Administration is seeking City Council approval and adoption of Resolution 23-02 – Michigan Community Resolution and Intergovernmental Agreement to Manage Floodplain Development for the National Flood Insurance Program.

APPOINTMENTS

BOARD, COMMISSION, AND COMMITTEE REPORTS

GENERAL PUBLIC COMMENT

ANNOUNCEMENTS

ADJOURNMENT

Respectfully Submitted,

A handwritten signature in blue ink that reads "James R. McNeil".

James R. McNeil
City Manager

**OFFICIAL PROCEEDINGS
CITY COUNCIL
CITY OF ESCANABA, MICHIGAN
Regular Council Meeting
Thursday, February 2, 2023**

The meeting was called to order by the Honorable Mayor Mark Ammel at 7:00 p.m. in the Council Chambers of City Hall located at 410 Ludington Street.

Present: Mayor Mark Ammel, Council Members, Ronald J. Beauchamp, Tyler DuBord, Todd Flath, and Karen Moore

Absent: None

Also Present: City Manager James R. McNeil, City Clerk Phil DeMay, Department Heads, media, and members of the public.

City Clerk DeMay led Council in the Pledge of Allegiance.

Flath moved, DuBord seconded, **CARRIED UNANIMOUSLY**, to approve Special Meeting minutes from January 18, 2023, as submitted.

DuBord moved, Flath seconded, **CARRIED UNANIMOUSLY**, to approve Regular Meeting minutes from January 19, 2023, as submitted.

DuBord moved, Moore seconded, **CARRIED UNANIMOUSLY**, to approve Special Joint Meeting minutes from January 23, 2023, as submitted.

ADJUSTMENTS TO THE AGENDA

Flath moved, DuBord seconded, **CARRIED UNANIMOUSLY**, to approve the City Council Agenda as submitted.

CONFLICT OF INTEREST DECLARATION – None

BRIEF PUBLIC COMMENT

- William Gasman – discussed Ordinance No. 1273.
- Mark Hannemann - discussed Ordinance No. 1273.
- Keith Whitman - discussed Ordinance No. 1273.
- Bonnie Hakkola - discussed Ordinance No. 1273.

PUBLIC HEARINGS

PH-1 Second Reading, Public Hearing and Adoption of Ordinance No. 1273, An Ordinance Imposing Temporary Moratorium on Medical and Adult-Use Marihuana Establishment Applications, Approvals, and Licenses.

Administration requested the City Council to consider approval and adoption of Ordinance No. 1273, Ordinance Imposing Temporary Moratorium on Medical and Adult-Use Marihuana Establishment Applications, Approvals, and Licenses.

This being a public hearing, Mayor Ammel asked for public comment.

- Chery Corbiere - discussed Ordinance No. 1273.
- Keith Whitman - discussed Ordinance No. 1273.
- William Gasman - discussed Ordinance No. 1273.

Hearing no further public comment, Mayor Ammel then closed the public hearing.

PH-1 “By Council Member Moore, seconded by Council Member Beauchamp;

Resolved, That Ordinance No. 1273, An Ordinance Imposing Temporary Moratorium on Medical and Adult-Use Marihuana Establishment Applications, Approvals, and Licenses, 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.”

Herewith Ordinance No. 1273 adopted by title:

**" ORDINANCE IMPOSING TEMPORARY MORATORIUM ON MEDICAL AND
ADULT-USE MARIHUANA ESTABLISHMENT
APPLICATIONS, APPROVALS, AND LICENSES."**

Full text in Ordinance Record “M”.

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

Ayes: Moore, Beauchamp

Nays: DuBord, Flath, Mayor Ammel

RESOLUTION FAILED.”

NB-1 Approval – City Manager Contract – HR Director/Treasurer.

Administration requested City Council approval of the proposed City Manager contract.

NB-1 Mayor Ammel moved, DuBord seconded, to approve of the proposed City Manager contract.

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

Ayes: Mayor Ammel, DuBord, Moore, Beauchamp, Flath

Nays: None

MOTION CARRIED.

NB-2 Approval – AMI Grant Request – Electric.

Administration requested City Council approval to award a contract to Power Systems Engineering to prepare a grant application for the AMI project with a cost not to exceed \$6,000.

NB-2 Moore moved, Beauchamp seconded, to approve to award a contract to Power Systems Engineering to prepare a grant application for the AMI project with a cost not to exceed \$6,000.

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

Ayes: Moore, Beauchamp, DuBord, Flath, Mayor Ammel
Nays: None

MOTION CARRIED.

NB-3 Presentation – 2022 Planning Commission Annual Report – Planning & Zoning.

During a regular meeting of the Planning Commission on January 12, 2023, a motion was made to approve the Planning Commission Annual Report and Work Plan as presented before them and submit to City Council for review in accordance with the Michigan Planning Enabling Act, PA 33 of 2008, Section 125.3819.

NB-3 DuBord moved, Flath seconded, to accept the Planning Commission Annual Report and Work Plan.

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

Ayes: DuBord, Flath, Moore, Beauchamp, Mayor Ammel
Nays: None

MOTION CARRIED.

NB-4 First Reading of Ordinance No. 1274, Ordinance Addressing Floodplain Management Provisions of the State Construction Code, and Setting the Date of Thursday, February 16, 2023, for the Second Reading, Public Hearing, and Adoption – Manager.

Administration requested City Council to consider this the first reading of Ordinance No. 1274, Ordinance Addressing Floodplain Management Provision of the State Construction Code. Administration requested that the City Council set February 16,

2023, for the second reading, public hearing, and adoption of Ordinance No. 1274.

NB-4 DuBord moved, Beauchamp seconded, to consider this the first reading of Ordinance No. 1274, Ordinance Addressing Floodplain Management Provision of the State Construction Code and to set February 16, 2023, for the second reading, public hearing, and adoption of Ordinance No. 1274.

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

Ayes: DuBord, Beauchamp, Moore, Flath, Mayor Ammel

Nays: None

MOTION CARRIED.

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

City Manager McNeil with Council Consensus made the following appointment:

Shirley Gollach appointed to the Recreation Advisory Board, expiring June 1, 2023.

Mayor Ammel with Council Consensus made the following appointment:

Manager James McNeil to the Escanaba Building Authority, expiring August 1, 2024.

BOARD, COMMISSION, AND COMMITTEE REPORTS

Council Members reviewed City Board and Commission meetings each attended since the last City Council Meeting.

GENERAL PUBLIC COMMENT

- Bonnie Hakkola – discussed Ordinance No. 1273.
- Stephanie Carpenter - discussed Ordinance No. 1273.
- Barbie Clairmont – discussed Ordinance No. 1273.
- William Gasman - discussed Ordinance No. 1273.
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ANNOUNCEMENTS

- Mayor Ammel led a moment of silence for the Weaver family. Also gave thanks for all the local community and surrounding communities near and far for their support.

Hearing no further public comment DuBord moved, the Council adjourned at 8:26 p.m.

Respectfully submitted,

Phil DeMay
City Clerk

Approved: _____
Mark Ammel, Mayor

Agenda Item: NB-1
Date: 02-16-2023

City Council Agenda Item Request

Date: 02/09/2023

Name: James McNeil

Department: Manager

Item: Resolution 23-02

Meeting date requested: 02/16/2023

Explanation for request:

Administration is seeking City Council approval and adoption of Resolution 23-02 – Michigan Community Resolution and Intergovernmental Agreement to Manage Floodplain Development for the National Flood Insurance Program.

RESOLUTION 23-02

MICHIGAN COMMUNITY RESOLUTION AND INTERGOVERNMENTAL

AGREEMENT TO MANAGE FLOODPLAIN DEVELOPMENT

FOR THE NATIONAL FLOOD INSURANCE PROGRAM

Community A (*NFIP community:*) **City of Escanaba** **Community/Entity B** (*enforcing agency:*)

Delta County Building and Zoning

WHEREAS, Community A

(*check the appropriate following box statement*) ☒ currently participates ☐ desires to participate

in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community; and

WHEREAS, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this resolution:

1. Flood or Flooding means:
 - a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and
 - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (a)(1) of this definition.
2. Flood Hazard Boundary Map (FHBM) means an official map of a community, as may have been issued by the FEMA, where the boundaries of the areas of flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.
3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).
4. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

5. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.
6. Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

WHEREAS, the Stille-Derossett-Hale Single State Construction Code Act”, Act No. 230 of the Public Acts of 1972, as amended, (construction code act), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code [and its Appendices (specifically Appendix G)] contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, and

WHEREAS, by the action dates of this document, Community/Entity B affirms/agrees on behalf of Community A to function as the designated enforcing agency to discharge the responsibility of administering, applying, and enforcing the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, and the Michigan Rehabilitation Code for Existing Buildings to all development within Community A’s political boundaries, and

WHEREAS, Community A and Community/Entity B enforce floodplain regulations of the construction code act, and Community A wishes to ensure that the administration of that code complies with requirements of the NFIP, and

NOW THEREFORE, to maintain eligibility and continued participation in the NFIP,

1. Community A and Community/Entity B agree that Community/Entity B’s officially designated enforcing agency for the construction code act, Delta County Building Official, Delta County Building and Zoning, be directed to administer, apply, and enforce on Community A’s behalf the floodplain management regulations as contained in the state construction code (including Appendix G) and to be consistent with those regulations, by:
 - a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area, and areas with potential flooding, and
 - b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and
 - c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, Community/Entity B shall implement the following applicable codes according to their terms:
 - i) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.
 - ii) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.
 - iii) Appendix G of the current Michigan Building Code.
 - iv) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Rehabilitation Code for Existing Buildings.

- d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.
 - e. Assisting in the delineation of flood hazard areas; provide information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintain flood proofing and lowest floor construction records, and cooperate with other officials, agencies, and persons for floodplain management.
 - f. Advising FEMA of any changes in community boundaries, including appropriate maps, and
 - g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevation to which structures have been floodproofed.
2. Community A and Community/Entity B assure the Federal Insurance Administrator (Administrator) that they intend to review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to assure Community A's compliant participation in the program.
 3. Community A further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study (FIS), FHBMs, and/or the FIRMs by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.

FURTHER BE IT RESOLVED, both communities declare their understanding that, until this resolution is rescinded or Community A makes other provision to enforce the construction code act:

1. Community/Entity B must administer and enforce the construction code act in accordance with the terms and the conditions contained herein, and
2. For Community A to continue its participation in the NFIP, the construction code act must be administered and enforced according to the conditions contained herein.

Community A: **City of Escanaba**

Date Passed:

Officer Name:

Title:

Signature: _____

Date: _____

Witness Name:

Title:

Signature: _____

Date: _____

Community/Entity B: **Delta County Building and Zoning**

Date Passed:

Officer Name:

Title:

Signature: _____

Date: _____

Witness Name:

Title:

Signature: _____

Date: _____

Agenda Item: PH-2
Date: 02-16-2023

City Council Agenda Item Request

Date: 02/03/2023

Name: James R. McNeil

Department: Manager

Item: Second Reading, Public Hearing and Adoption of Ordinance No. 1274

Meeting date requested: 02/16/2023

Explanation for request:

Administration is requesting the City Council to consider approval and adoption of Ordinance No. 1274, Ordinance Addressing Floodplain Management Provision of the State Construction Code.

**CITY OF ESCANABA
ORDINANCE NO. 1274**

**ORDINANCE ADDRESSING FLOODPLAIN MANAGEMENT PROVISIONS
OF THE STATE CONSTRUCTION CODE**

An ordinance to designate an enforcing agency to discharge the responsibility of the City of Escanaba located in [Delta](#) County, and to designate regulated flood hazard areas under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended.

The City of Escanaba ordains:

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building and Zoning Department of the County of Delta is hereby designated as the enforcing agency to discharge the responsibility of the City of Escanaba under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The County of Delta assumes responsibility for the administration and enforcement of said Act through out the corporate limits of the community adopting this ordinance.

Section 2. CODE APPENDIX ENFORCED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the jurisdiction of the community adopting this ordinance.

Section 3. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled "[Flood Insurance Study for Delta County, All Jurisdictions](#)" and dated [March 7, 2023](#) and the Flood Insurance Rate Maps (FIRMs) panel numbers included on Index Panels [26041CIND1B](#) and [26041CIND2B](#), effective [March 7, 2023](#) are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

Section 4. MOST RESTRICTIVE STANDARDS. If another ordinance contains standards inconsistent with the provisions of this ordinance, the most restrictive standards shall apply.

Section 5. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same.

Section 6. REPEAL. Any ordinance or parts of ordinances are repealed to the extent necessary to give this ordinance full force and effect.

Ordinance No. 1274

APPROVED:

APPROVED:

Laura J. Genovich
City Attorney

Mark Ammel
Mayor

Ordinance No. 1274

Date Approved: (Month) (Date), 2023

Attest

Date Published: (Month) (Date), 2023

Phil DeMay
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, Michigan at a Regular Meeting held on the (date) day of (Month), 2023 and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on (Day), (Month) (Date), 2023, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Phil DeMay
City Clerk