



CITY OF IONIA
CITY COUNCIL
REGULAR MEETING MINUTES
7:00 PM, TUESDAY – May 7, 2019
CITY HALL
COUNCIL CHAMBER

CALL TO ORDER

Mayor Daniel Balice called the regular meeting of City Council to order and led with the Pledge of Allegiance.

ROLL CALL

Roll call revealed Councilmembers John Milewski, Jeff Winters, Gordon Kelley, Ted Paton, Kim Patrick, Tom Millard, Janice Gustafson, Troy Waterman and Mayor Balice present.

PUBLIC HEARING

Mayor Balice opened the Public Hearing to receive comments on proposed Ordinance No. 540 regarding special alcohol permits.

APPROVAL OF MINUTES

It was moved by Councilmember Patrick, seconded by Councilmember Millard to approve the April 9, 2019 regular meeting minutes.

OLD BUSINESS

Accept – Second Reading/Adoption – Ordinance No. 540 – Special Alcohol Permit

The City Manager reported that at the April meeting, Council reviewed a proposed ordinance which amends the City Code and expands the options for issuing special permits for alcohol consumption to include City streets. The ordinance was drafted at the request of the Ionia Chamber of Commerce which is planning a beer tent in conjunction with the annual downtown car show which will be held on Saturday, June 1st. At the April meeting Council conducted the first reading of the proposed ordinance and scheduled the Public Hearing for earlier in this meeting. The City Manager stated that Council also requested that the proposed ordinance be revised to expand the ability to request a special permit to all City owned properties.

It was moved by Councilmember Milewski, seconded by Councilmember Paton to remove from the table the matter of Ordinance No. 540, an amendment to Chapters 606, 1020 and 1062 of the City Code, which permits a special permitting process for the consumption of alcoholic beverages on all City owned properties and permit the record of the May 7, 2019 meeting to reflect the second reading and adoption of Ordinance No. 540 with said ordinance effective upon publication in the May 11, 2019 edition of the *Sentinel-Standard Weekender*.

AN ORDINANCE TO AMEND:

SECTION 606.01 OF THE GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF IONIA REGARDING OPEN CONTAINERS;

AND TO AMEND:

SECTIONS 1020.01 AND 1020.17, AND 1062.07 OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF IONIA REGARDING DEFINITIONS AND PERMITS.

THE CITY OF IONIA HEREBY ORDAINS:

1. Section 606.01 (“Open Containers”) is amended to read as follows:

606.01 OPEN CONTAINERS.

(a) Transportation or Possession in Vehicles. No person shall transport or possess any alcoholic liquor in a container which is open or uncapped, or upon which the seal is broken, within the passenger compartment of a vehicle on any street or highway. If the vehicle does not have a trunk or compartment separate from the passenger compartment, a container which is open, uncapped, or upon which the seal is broken, shall be encased or enclosed. This section shall not apply to any chartered passenger vehicle licensed by the Michigan Public Service Commission.

(b) Possession in Other Places. No person shall be inside or outside of a motor vehicle upon any public park, grounds or street, or upon any vacant land not owned by such person, in any parking lot, or in any non-residential building (other than a bar, tavern or eating establishment which has been duly licensed by the State of Michigan for serving alcoholic beverages for consumption on the premises), having in such person's possession an open receptacle or container containing any alcoholic beverage.

(c) Special Permit. This section shall not apply to any person who is a participant in an event for which a special permit for alcohol possession or consumption has been issued by the City Manager, pursuant to Section 1062.07, Section 1020.17, or similar section. A “participant” is a person who has been invited to the event for which a special permit for the possession or consumption alcoholic beverages has been issued, is allowed on the property which is subject to the special permit for the purpose of attending the event, or is associated with the individual, club, organization or association which received the special permit. Participant shall not include any person who has been asked to leave the event by the club, organization or association which received the special permit.

2. Section 1020.01 (“Definitions”) is amended to read as follows:

Unless the context specifically indicates otherwise, as used in this chapter:

(a) "City Manager" shall mean the City Manager of the City of Ionia.

(b) "Street" shall mean all of the land lying between property lines on either side of all streets, alleys, city-owned parking lots, and boulevards in the City, and includes lawn extensions and sidewalks and the area reserved for future streets but not yet constructed.

3. Section 1020.17 ("Parades and Promotions; Closure of Streets") is amended to read as follows:

For the purpose of this section, a "street," as that term is defined in Section 1020.01, does not include a "park," as that term is defined in Section 1020.01. See Section 1062.07 regarding park usage permits. ~~Persons~~ Any individual, club, organization or association (the "applicant") seeking to hold a parades or other promotional events (the "event") on any street shall notify the City and receive a "street closure permit" for such event, under the following conditions:

(a) The ~~person or party sponsoring the event~~ applicant shall provide the necessary information for justifying closure of a street or streets ~~with the final action subject to approval by the City Manager,~~ including: the (1) area of street or streets desired for the event, and (2) the times for closing and re-opening the street or streets. The applicant shall file the application with the City Manager, along with a fee, as established from time to time by the City Council. ~~If a permit to hold such an event is denied by the City Manager, the applicant may appeal to the City Council which shall have ultimate authority for issuance. If the event is a money-raising affair, whether to cover costs of operation or for profit, the application must also designate the location where ticket sales will be set up or money is to be collected, and how much per person or other unit of measurement money is to be collected. The street closure permit may be denied, approved, or modified, in the discretion of the City Manager. The fee for the street closure permit may be waived or refunded, at the discretion of the City Manager.~~ In the case of major streets, closure shall be limited and emergency access provided to abutting properties at all times.

(b) An applicant that intends to allow "participants," as that term is defined in Section 606.01, to possess or consume alcoholic beverages during the event or use must either:

(1) Apply for a "park usage permit" under Section 1062.07(b), or

(2) Apply for a "street closure permit" under Subsection (a) of this section.

Additionally, the applicant must also apply for a "special permit," as required under Section 606.01(c). The application for a special permit shall be filed with the Director of Public Safety, and shall include:

(1) the expected number of participants;

- (2) the hours during which alcoholic beverages will be served during the event;
- (3) the hours during which alcoholic beverages will be allowed to be possessed or consumed by participants during the event;
- (4) the methods used to prevent possession or consumption by minors and by non-participants; and
- (5) Additional information, as requested by the Director of Public Safety or by the City Manager.

The applicant for a special permit shall submit an additional application fee, as established from time to time by the City Council, with the application for the special permit. Upon receipt of the special permit and fee, the Director of Public Safety shall forward the application and fee to the City Manager, along with a recommendation regarding the approval, denial, or modification of the special permit. Upon receipt of the application and recommendation, the approval, denial, or modification the special permit shall be in the City Manager's discretion. No special permit shall be issued for possession or consumption of alcoholic beverages having a higher alcoholic content than that of beer or wine. In addition to the application fee, the City Manager may require reimbursement for law enforcement and other City services related to the event. The method of collecting and calculating this fee shall be described in the special permit.

(c) If an application for a street closure permit or special permit submitted under this section is denied or modified by the City Manager, the applicant may appeal to the City Council, which shall have ultimate authority.

4. Section 1062.07 (“Special Permits”) is amended to read as follows:

1062.07 SPECIAL PARK USAGE PERMITS.

For the purpose of this section, a “park” includes a Municipal park, cemetery, or other property owned by the City of Ionia, but excludes a “street,” as that term is defined in Section 1020.01. See Section 1020.17 regarding street closure permits. Any individual, club, organization or association (the “applicant”) desiring to use a park, or a portion of a park, for a use not otherwise permitted by a section of this Code of Ordinances, must apply for and receive a special park usage permit, under the following conditions:

(a) The park usage permit application, among other information, must designate the park, or portion of the park, desired for the intended use, and the time during which the applicant intends to gain use of, and surrender use of, the park. The applicant shall file the application with the Recreation Director, along with a fee, as established from time to time by the City Council. If the event or use is a money-raising affair, whether to cover costs of operation or for profit, the individual, club, organization or association applicant shall file an application with the Recreation Director, and pay to the Recreation Director a fee, as

~~established from time to time by the City Council. The application, among other information, must also designate the park, or portion of the park, desired, location where ticket sales will be set up or money is to be collected, and how much per person or other unit of measurement. The location of which shall be under the control park usage permit may be denied, approved, or modified, in the discretion of the City Manager. The fee for the park usage permit may be waived or refunded, at the discretion of the City Manager.~~

~~(b) If an individual, the club, organization or association the applicant desires to allow participants to possess or consume the possession or consumption of alcoholic beverages during the use or event applied for, then the individual, club, organization or association during the time designated in the park usage permit, the applicant must file an application for a special permit under Section 1020.17(b). shall file an application with the Director of Public Safety, and pay an application fee at City Hall, as established from time to time by the City Council. The application, among other information, must designate the expected number of participants, the hours, during the event, during which alcohol will be consumed, and the methods used to prevent possession or consumption by minors and non-participants. The Director of Public Safety shall then submit a recommendation regarding the approval of the permit to the City Manager. Upon receipt of the application and recommendation, the City Manager may approve the special permit for alcohol possession or consumption. No permit shall be issued for possession or consumption of alcoholic beverages having a higher alcoholic content than beer or wine. In addition to the application fee, the City Manager may require reimbursement for law enforcement and other City services related to the event. The method of collecting and calculating this fee shall be described in the special permit for alcohol possession or consumption.~~

~~(c) If an application for a park usage permit submitted under this section is denied or modified by the City Manager, the applicant may appeal to the City Council, which shall have ultimate authority.~~

3. All other ordinances, or parts of ordinances, inconsistent with this ordinance, are hereby repealed.

Roll Call Vote: Ayes: Winters, Kelley, Paton, Patrick, Millard, Gustafson, Waterman, Milewski and Mayor Balice
Nays: None
MOTION CARRIED

NEW BUSINESS

Approve – 2018 Library Board Annual Report

Dale Parus of the Ionia Community Library presented to Council its 2018 annual report of activities and information regarding the failed 2018 millage request for a new facility.

Council received update, no action taken.

Millard: Commented on the success of the Lip Sync Challenge at the Theater on April 14th. He also reminded everyone of the Upstairs/Downtown tour on May 18th and the Car Show on June 1st. He thanked Ted Paton for his years of service on Council.

Kelley: Commented on how much he's appreciated collaborating with Ted Paton over the years, both serving as Councilmen for the 1st ward.

Winters: Thanked and congratulated Ted Paton for his years of service on Council.

Milewski: Stated that the Sparrow Ball was well attended. He echoed Mayor Balice's comments on community pride and involvement and mentioned that the image of Ionia is constantly improving. He thanked Mr. Paton for serving on Council.

ADJOURNMENT

It was moved by Councilmember Winters, seconded by Councilmember Waterman to adjourn the meeting at 7:56 pm.

By Voice Vote: MOTION CARRIED

Respectfully submitted:

Ally H. Cook