



CITY COUNCIL

August 15, 2022

A regular meeting of the City of Petoskey City Council was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, August 15, 2022. This meeting was called to order at 7:00 P.M.; then, after a recitation of the Pledge of Allegiance to the Flag of the United States of America, a roll call then determined that the following were

Present: John Murphy, Mayor
Derek Shiels, City Councilmember
Lindsey Walker, City Councilmember

Absent: Tina DeMoore, City Councilmember and Brian Wagner, City Councilmember

Also in attendance were City Manager Shane Horn, Clerk-Treasurer Alan Terry, Finance Supervisor Audrey Plath and Executive Assistant Sarah Bek.

Amend Agenda – Resolution No. 19690

City Councilmember Walker moved that, seconded by City Councilmember Shiels to amend agenda to add City Treasurer appointment.

Said resolution was adopted by the following vote:

AYES: Shiels, Walker, Murphy (3)
NAYS: None (0)

Approve Director of Finance/Treasurer Appointment – Resolution No. 19691

The City Manager reviewed that in conjunction with the pending retirement of current Finance Director, Alan Terry, a formal recruitment was conducted with the Michigan Municipal League; that interviews were conducted on August 11; that he was asking City Council to confirm the appointment of Audrey Plath, Finance Supervisor, to Director of Finance/Treasurer effective October 1, 2022; and that Ms. Plath has worked for the City since 2015 and has effectively managed increased responsibilities and will provide a smooth transition.

City Councilmember Walker moved that, seconded by City Councilmember Shiels adoption of the following resolution:

WHEREAS, Petoskey City Council moved to separate the positions of Director of Finance – City Clerk to allow for the greatest success in filling the Director of Finance position; and

WHEREAS, the City Finance Director/Treasurer position was posted utilizing the recruitment services of the Michigan Municipal League on June 29, 2022; and

WHEREAS, Audrey Plath, serving in the role of Finance Supervisor since August 2016, has had the opportunity to work directly under Alan Terry, Director of Finance, and has been instrumental in continuing to provide a strong financial foundation allowing Department Heads to facilitate efficient and effective services to the residents of Petoskey; and

WHEREAS, Audrey has the knowledge, experience, passion, and work-ethic to thrive in the position of Director of Finance; and

WHEREAS, the City Charter requires this appointment by the City Manager to be approved by City Council:

NOW, THEREFORE, BE IT RESOLVED that the City of Petoskey City Council hereby approves the appointment of Audrey Plath to Director of Finance/Treasurer effective October 1, 2022.

Said resolution was adopted by the following vote:

AYES: Shiels, Walker, Murphy (3)

NAYS: None (0)

Recess to Closed Session – Resolution 19692

City Council was being asked to recess to a closed session pursuant to Section 8(h) of the Michigan Open Meetings Act, to consider attorney-client privileged material exempt from disclosure pursuant to the Freedom of Information Act (MCL 15.243(1)(g)).

City Councilmember Shiels moved that, seconded by City Councilmember Walker adoption of the following resolution:

WHEREAS, the City Manager has requested that the City Council recess to a closed session, pursuant to Section 8(h) of the Michigan Open Meetings Act, to consider attorney-client privileged material exempt from disclosure pursuant to the Freedom of Information Act (MCL 15.243(1)(g)):

NOW, THEREFORE, BE IT RESOLVED that the City Council does and hereby authorizes to recess to a closed session, to consider attorney-client privileged material exempt from disclosure pursuant to the Freedom of Information Act (MCL 15.243(1)(g)).

Said resolution was adopted by the following vote:

AYES: Shiels, Walker, Murphy (3)

NAYS: None (0)

City Council recessed into closed session at 7:07 P.M. and reconvened in to open session at 7:38 P.M.

Consent Agenda - Resolution No. 19693

Following introduction of the consent agenda for this meeting of August 15, 2022, City Councilmember Shiels moved that, seconded by City Councilmember Walker adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the August 1, 2022, regular session City Council meeting be and are hereby approved; and

BE IT RESOLVED that receipt by the City Council of a report concerning all checks that had been issued since August 1, 2022 for contract and vendor claims at \$2,026,091.45, intergovernmental claims at \$728,874.55 and the August 4 payroll at \$248,892.42, for a total of \$3,003,858.42 be and is hereby acknowledged.

Said resolution was adopted by the following vote:

AYES: Shiels, Walker, Murphy (3)

NAYS: None (0)

Hear Public Comment

Mayor Murphy asked for public comments and heard comments concerning the deer issue in town; inquiries on why deer population has increased; and concerns that the increase is causing a potential public health concern.

City staff will contact the DNR regarding the deer population issue.

Hear City Manager Updates

The City Manager reviewed the upcoming Downtown Management Board and Planning Commission meetings occurring later this week; that City Council will review the 2023-2028 CIP at their next meeting; that East Lake Street reconstruction project is on schedule; that staff is working on electric vehicle charging stations and that stations will be located in the Elks Lot, Darling Lot and Bayfront Drive History Museum Lot; that the City currently has job openings for a Public Safety Officer and Assessor; reviewed City Council work session topics and recommended scheduling a meeting; reviewed this weekend's Downtown Summer Sendoff activities; and that Public Safety is still accepting applications for their annual Citizens Academy.

City Councilmembers inquired about the old electric vehicle charging station and if it could be repurposed; prioritized the Action Plan and staffing positions to be discussed at a work session; and that September 12 could work for a special work session meeting.

Approve Recreational Marihuana Initiative Petition Ballot Language – Resolution No. 19694

The City Manager reviewed that at the August 1 meeting, City Council received an initiative petition that would amend Chapter 8, Article VI of the Code of Ordinances; that per Section 7.5 of the City Charter Council had two options: enact the ordinance or submit the proposal to voters; that City Council agreed to submit the proposal to voters at the November 8, 2022 General Election; that ballot language was prepared by the City Attorney; and that State Election law required ballot language to be provided to the Emmet County Clerk by 4:00 P.M., Tuesday, August 16, 2022.

Mayor Murphy asked for public comments and heard from those concerned with the second bullet point in ballot language and that wording should be changed to more of an introduction than limiting; heard concerns with clarity of ballot wording and that it was misleading; and heard a comment regarding the petition signatures.

City Councilmember Shiels moved that, seconded by City Councilmember Walker adoption of the following resolution:

WHEREAS, the City of Petoskey enacted Ordinance No. 769, entitled “An Ordinance to Amend Chapter 8 of the Petoskey Code of Ordinances, Businesses and Business Regulations, Creating a New Article VI – Marijuana Establishments, Within the City of Petoskey;” as amended; and

WHEREAS, the City has received an initiative petition requesting that the City amend Chapter 8, Article VI of the Code of Ordinances to include additional language; and

WHEREAS, said petition was signed by at least ten (10) percent of the registered voters of the City as of the date of the last regular City election, with all signatures thereon being obtained within the 30-day period; and

WHEREAS, the initiative petition having otherwise met the requirements set forth in the City’s Charter and having been duly canvassed by the City Clerk as required by Charter; and

WHEREAS, the Clerk having presented the petition at the next regular meeting of City Council; and

WHEREAS, pursuant to Charter, the City Council shall, within 30 days, either enact the ordinance as submitted in the petition or submit the proposal to the voters; and WHEREAS, the City Council has determined to submit the proposal to the voters:

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the following Ballot Proposal be placed on the election ballot and submitted to the qualified electors of this City at the General Election to be held in the City of Petoskey on November 8, 2022:

A PROPOSAL TO INITIATE AN ORDINANCE TO AMEND THE CITY OF PETOSKEY CODE OF ORDINANCES TO ALLOW AND PROVIDE FOR THE LICENSING OF ADULT-USE RECREATIONAL MARIHUANA RETAILERS.

The proposed ordinance would:

- Amend Chapter 8, Article VI of the Petoskey Code of Ordinances to allow and provide for the licensing of adult-use (recreational) marihuana retailers; and
- Limit adult-use (recreational) marihuana retailers to those applicants who obtain a permit to operate a medical marihuana provisioning center in the City of Petoskey; and
- Provide penalties for violations.

Should this proposed ordinance be adopted?

YES
NO

2. The City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit such ballot question to the vote of the electors as required by law.
3. The proposed ballot question shall be published in full in accordance with the laws of the State of Michigan and the Charter of the City of Petoskey.
4. The canvass and determination of the votes of said question shall be made in accordance with the laws of the State of Michigan and the Charter of the City of Petoskey.

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately.

Said resolution was adopted by the following vote:

AYES: Shiels, Walker, Murphy (3)
NAYS: None (0)

Support Northmen Oaks Drive Street Acceptance – Resolution No. 19695

The City Manager reviewed that staff has been working with Petoskey Grand, LLC on an extension of Northmen Drive creating Northmen Oaks Drive to facilitate construction of 10 single-family residential lots; staff and engineers have approved final designs and would be agreeable to the transfer of ownership to the City upon completion of the project; and prior to start of the project, Petoskey Grand, LLC has asked for a resolution that would support the City’s conditional acceptance of Northmen Oaks Drive into the City’s street system, once built to City’s standards, including all proposed amenities.

City Councilmembers commented that it was too late in this process, but inquired on how to intervene in projects to lessen zoning requirements and allow for more density; if the street would have a cul-de-sac; if there were any risks involved; discussed adding a sunset clause for length of time to transfer and street tree selection.

The City Manager reviewed the planning process; there are no capital expenditures by the City; there is a cul-de-sac maintained by the City; that the road would be accepted prior to occupancy; and a sunset clause could be added to the MOU.

Mayor Murphy asked for public comment and heard an inquiry if neighbors near the new development would have an opportunity for input at a public meeting. The City Manager responded there would be opportunities at the Planning Commission and at City Council.

City Councilmember Walker moved that, seconded by City Councilmember Shields adoption of the following resolution:

WHEREAS, Petoskey Grand LLC, is working on a site plan that includes 10 single-family homes to be built off of Northmen Drive; and

WHEREAS, Petoskey Grand LLC, and City staff have met on several occasions to discuss the project and the inclusion of Northmen Oaks Drive which would include; new asphalt, curb and gutter, a six-foot-wide sidewalk along both sides of the street, including connections to Klondike and Northmen Court, shoebox type lighting staggered along both sides of the street, and trees and other plantings, with all included items along the entire length of Northmen Oaks Drive; and

WHEREAS, Northmen Oaks Drive will be constructed to City of Petoskey standards and all amenities will be of the same type used by the City and approved by City staff; and

WHEREAS, Petoskey Grand LLC agrees to construct Northmen Oaks Drive as depicted on the plans reviewed and approved by City staff and in all cases to City of Petoskey standards as determined by City staff; and

WHEREAS, both parties agree it is mutually beneficial, upon completion of the street construction to transfer ownership to the City of Petoskey, for inclusion in the City's street system:

NOW, THEREFORE, BE IT RESOLVED, that the City of Petoskey City Council hereby confirms its intent, at the request of Petoskey Grand LLC, to accept ownership of Northmen Oaks Drive upon completion of the street construction project, subject to the provisions described above and the completion of any and all easements and agreements related to the project; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that upon completion of the street construction project and preparation of all necessary documents the Petoskey City Council will consider formal approval of the transfer of ownership of Northmen Oaks Drive to the City of Petoskey; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the City of Petoskey, by adoption of this resolution, is not in any way legally bound to accept the transfer of Northmen Oaks Drive now or in the future, as the purpose of this resolution is to show support of such transfer once the project is completed by Petoskey Grand LLC and all necessary legal documents are prepared to the satisfaction of both parties.

Said resolution was adopted by the following vote:

AYES: Shiels, Walker, Murphy (3)

NAYS: None (0)

Approve City Clerk Appointment – Resolution No. 19696

The City Manager reviewed that at the June 6, 2022 City Council meeting, direction was provided to proceed with separating the Director of Finance, Clerk-Treasurer position; that the separation was approved to begin on September 1, 2022; that in anticipation of this restructuring the position of City Clerk was posted internally; that one internal candidate applied, Sarah Bek, Executive Assistant; reviewed a variety of roles Ms. Bek has held while working for the City since 2009 and her involvement with elections; and he was asking City Council to confirm the appointment of Sarah Bek to City Clerk-Executive Assistant effective September 1, 2022.

City Councilmember Walker moved that, seconded by City Councilmember Shiels adoption of the following resolution:

WHEREAS, Petoskey City Council moved to separate the positions of Director of Finance – City Clerk to allow for the greatest success in filling the Director of Finance position; and

WHEREAS, the City Clerk position was posted internally during the week of July 25, 2022; and

WHEREAS, Sarah Bek has been a valued team member and has served the City in a variety of roles including Deputy Clerk since August 2009; and

WHEREAS, Sarah has the knowledge, experience and customer service skill-set to thrive in the position of City Clerk; and

WHEREAS, the City Charter requires this appointment by the City Manager to be approved by City Council:

NOW, THEREFORE, BE IT RESOLVED that the City of Petoskey City Council hereby approves the appointment of Sarah Bek to Executive Assistant – City Clerk effective September 1, 2022.

Said resolution was adopted by the following vote:

AYES: Shiels, Walker, Murphy (3)

NAYS: None (0)

Council Comments

Mayor Murphy asked for Council comments and Councilmember Walker reported that Marty Van De Car, a “Community Champion”, passed away and reviewed his involvement in the community and tribal activities. Mayor Murphy also commented that he was a friend of Mr. Van De Car’s and shared that he was a community enthusiast and that the Crooked Tree Arts Center asked him for a letter of support for a grant.

There being no further business to come before the City Council, this August 15, 2022, meeting of the City Council adjourned at 8:45 P.M.

John Murphy, Mayor

Alan Terry, Clerk-Treasurer