



## CITY COUNCIL

September 19, 2022

A regular meeting of the City of Petoskey City Council was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, September 19, 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  
Tina DeMoore, City Councilmember  
Derek Shiels, City Councilmember  
Brian Wagner, City Councilmember  
Lindsey Walker, City Councilmember

Absent: None

Also in attendance were City Manager Shane Horn, City Clerk Sarah Bek, Public Works Director Michael Robbins, Parks and Recreation Director Kendall Klingelsmith and Downtown Director Becky Goodman.

### **Hear Domestic Abuse Awareness Proclamation**

Mayor Murphy read the following proclamation:

WHEREAS, Women's Resource Center of Northern Michigan and the National Coalition Against Domestic Violence is commemorating October 2022 as Domestic Abuse Awareness Month; and

WHEREAS, the impact of domestic violence is wide ranging, directly affecting individuals and society as a whole, here in this community, throughout the United States and the world; and

WHEREAS, the month of October seeks to expand awareness of the incidence of domestic abuse, primarily focusing on the survivors who have suffered emotional and physical trauma, and celebrating the achievements of domestic abuse advocacy groups throughout the state and nation; and

WHEREAS, through the inspiration, courage and persistence of survivors, their friends and their support groups, legislation has been enacted to provide protection and services for those experiencing domestic abuse; and

WHEREAS, more work remains to solve this serious problem and all community members have a role to play; and

WHEREAS, government officials, domestic abuse programs, social service agencies, faith organizations, education institutions, health care providers and funding agencies are joining in the effort to promote an awareness of the issue of domestic abuse and ensure available support services for survivors:

NOW, THEREFORE BE IT RESOLVED, that I, John Murphy, Mayor of the City of Petoskey, on behalf of all residents, do hereby proclaim October 2022 as:

## Domestic Abuse Awareness Month

### **Hear Harbor Hall Presentation**

Peter Bucci, Executive Director and Chief Clinical Officer of Harbor Hall, gave a brief presentation and community update on Harbor Hall; reviewed their expanded mission to provide professional treatment and guidance for individuals and families; reviewed service areas including primary care, behavioral health, additions and case management; reviewed types of insurance accepted; statistics of clients including 290 clients from the Charlevoix/Emmet/Antrim/Cheboygan region; reviewed volunteering and the various community resources available; reviewed expansion based on success rate and the significant need in the community; reviewed phase one development which included administrative building, primary care and women's residential; and reviewed phase two development including 32 beds/short-term living apartments for transitional living.

City Councilmembers inquired on primary care services and what was considered short term; inquired if there has been an increase in clients who are homeless and if homeless could use transitional apartments; inquired if clients using short-term housing were required to pay rent and how many transitional housing options were in community; inquired if Harbor Hall owns Gruler property; and inquired on the total number of beds at the facility.

Mr. Bucci responded that short-term is based on need of service and is a transient period; that Harbor Hall offers standard primary care services and anyone in community could access care; that there has been a decrease in homelessness due to more social services available and statistics highlighted were from the downstate region; that clients have to pay rent for transitional housing, but some benefit from grant funding and agencies help with funding; that besides Harbor Hall there are two transitional housing facilities in the community; that Harbor Hall does not own the Gruler property; that there are 48 residential rooms which 8 were approved for women and 32 beds for transitional living approved as part of phase two.

Mayor Murphy asked for public comment and heard concerns from neighbors regarding the intended use and encouraged City staff to review Harbor Hall's improvements and compare to what was approved; inquired how clients will be selected to live there and hopes there is no discrimination; and heard concerns on the number of rooms granted and the growth of building seems much larger than what was approved.

### **Consent Agenda - Resolution No. 19697**

Following introduction of the consent agenda for this meeting of September 19, 2022, City Councilmember Wagner 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 15, 2022, regular session and September 12, 2022 special session City Council meetings 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 15, 2022 for contract and vendor claims at \$11,646,819.77, intergovernmental claims at \$5,235,329.23 and the August 18 and September 1 payrolls at \$482,527.73, for a total of \$17,364,676.73 be and is hereby acknowledged.

Said resolution was adopted by the following vote:

AYES: DeMoore, Shiels, Wagner, Walker, Murphy (5)

NAYS: None (0)

### **Hear Public Comment**

Mayor Murphy asked for public comments and heard comments concerning the marina and that the docks are too short for some boats and suggested extending docks to make more serviceable.

**Hear City Manager Updates**

The City Manager reviewed that DMB meets tomorrow night to discuss 2023 proposed budgets and special assessment recommendations; that Planning Commission met last Thursday and voted 4-3 to not approve the B-3A zoning district amendment for height allowance, conducted a public hearing on sign ordinance for halo lit signs, reviewed priority action items and reelected current officers; reviewed East Lake Street reconstruction project status and that all utility work is complete and final cleanup and punch list items are in process; that monthly recognition of staff birthdays and work anniversaries will be announced each month and recognized September staff members; that the City welcomed the Petoskey Solar Tour group on Saturday and discussed installations and community buy opportunities and sustainability efforts; reviewed that 16 citizens are participating in the Public Safety Citizen Academy; and reviewed Solanus Beach improvements and that concrete work is completed and boardwalk work and mat on shoreline is being installed for ADA access.

City Councilmembers inquired on the October 6 special meeting scheduled for Planning Commission and if it was concerning medical or recreational marihuana facilities; heard from those in favor of discussing recreational marihuana from a zoning aspect only if initiative is passed and that the special meeting is premature and not proper use of time; heard from those in favor of discussing zoning for recreational marihuana facilities in conjunction with Planning Commission to be proactive and have clear parameters; heard from those in favor of more discussion on height allowance for future development; heard from those in favor for Council to initiate zoning amendment ordinance to discuss height and receive community input; and thanked Public Works Director, Construction Supervisor and DPW staff for their efforts on the East Lake Street project.

**Approve Board and Commission Appointments – Resolution No. 19698-19700**

Mayor Murphy reviewed that City Council consider the following appointments.

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

BE IT RESOLVED that the City Council does and hereby approves the appointment of Sarah Bek, City Clerk, to the Election Commission to fill a vacated term due to the retirement of former City Clerk Alan Terry.

Said resolution was adopted by the following vote:

AYES: DeMoore, Shiels, Wagner, Walker, Murphy (5)  
NAYS: None (0)

**Resolution No. 19699**

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

BE IT RESOLVED that the City Council does and hereby approves the reappointment of Carolyn Dettmer, 619 Michigan Street, to the Planning Commission for a three-year term ending August 2025.

Said resolution was adopted by the following vote:

AYES: DeMoore, Shiels, Wagner, Walker, Murphy (5)  
NAYS: None (0)

**Resolution No. 19700**

City Councilmember Wagner moved that, seconded by City Councilmember DeMoore adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby approves the reappointment of Robert S. Morrison, 740 Lockwood Avenue, to the Zoning Board of Appeals for a three-year term ending April 2025.

Said resolution was adopted by the following vote:

AYES: DeMoore, Shiels, Wagner, Walker, Murphy (5)

NAYS: None (0)

### **Discuss 2023-2028 Capital Improvement Plan**

The City Manager reviewed that copies of the proposed 2023-2028 CIP were distributed to City Council and Planning Commission in advance of this meeting, the draft plan was posted on the City's website and the Plan was unanimously accepted and recommended for City Council approval by the Planning Commission on August 18, 2022. The City Manager reviewed that the six-year plan is a planning and fiscal management tool for capital expenditures and totals \$67.4M in expenditures, with capital spending in 2023 proposed at \$5.3M, of which \$710,000 from the General Fund and \$260,000 anticipated to come from grants and other outside sources of revenue; that if approved, projects will be included within the 2023 proposed annual City budget; and highlighted 2023 projects in detail including demolition of 620 Ingalls Avenue, Washington Park Access Engineering, Winter Sports Park improvements, Little Traverse Wheelway resurfacing, Arboretum conversion, Magnus Park Master Plan, new decking on the bridge over the Bear River near City Hall campus and Mitchell Street Improvements; that monies are allocated for improvements to the East Lake Street Fire Station to complete apparatus room painting, radiant heat tube replacement and kitchen upgrades; reviewed streets and drainage projects including miscellaneous pavement preservation and repair; reconstruction of Bridge Street from Franklin Street to the Bridge; reconstruction of Mitchell Street from US-31 to Emmet Street as part of the downtown gateway in conjunction with redevelopment of 400 Emmet Street; installation of three-phase undergrounding lines in residential areas of Michigan Street, Grand Avenue, Bridge, Maple and Porter Streets; water and sewer main replacements as part of the street reconstruction work; Ingalls Pump Station Generator Installation and lead and copper rule materials inventory updates; and reviewed proposed Motor pool purchases.

City Councilmembers inquired how streets are determined and scheduled to be updated; inquired if alternate materials for Winter Sports Park roof and deck have been considered as part of the bid; commented on other possible streets such as Carleton and Lindell to move up on the list for residential undergrounding; inquired if East Mitchell Street will be narrowed at Emmet Street; inquired on the Arboretum project; and commented that it would be beneficial next year to discuss the 2024-2029 CIP in a joint work session with City Council, Planning Commission and City staff.

City staff responded that the PASER rating system is used to determine status of streets and when updating is needed along with grant funding; that bid specs will include metal roof option and composite decking for the Winter Sports Park; that East Mitchell Street will not be narrowed, but Emmet Street would narrow from three to two lanes if both developments on either side occur, but final engineering has not yet occurred; and reviewed proposed improvements to the Arboretum including moving 30 ft. inward to get off shoreline and proposed plantings with interactive areas.

Mayor Murphy asked for public comments and heard from those in favor of including trash receptacles and benches at Washington Park as part of the engineering study; encouraged the City to use lighting pedestals for walking path along East Mitchell Street at Emmet Street; and heard concerns that East Mitchell Street corridor improvements were occurring prematurely if 7/11 and Family Video developments are not happening.

City Councilmembers will further discuss the 2023-2028 CIP at the next meeting.

**Approve Clean Energy Optimization Program – Resolution No. 19701**

The Public Works Director reviewed that in 2008, Governor Jennifer Granholm signed into law the “Clean, Renewable, and Efficient Energy Act,” known as Public Act 295 and that all electric providers in Michigan were required to implement an Energy Optimization Plan (EOP) that would reduce electric energy consumption by all rate classes including low income residential; that electric providers were required to meet state established goals with oversight by the Michigan Public Service Commission (MPSC); that in 2016, Public Act 295 was amended with Public Act 342, known as the “Clean and Renewable Energy and Waste Reduction Act” which maintained the energy efficiency goals established with the energy optimization standards, but redefined programs as “Energy Waste Reduction” (EWR); that Michigan Public Power Agency (MPPA) has contracted with Franklin Energy, LLC, Lansing, to perform energy efficiency services for the City along with other participating members throughout the State; that Franklin Energy developed the Energy Smart Program that offers Petoskey electric customers incentives for replacing inefficient electrical devices with newer, high efficiency units to save energy and ultimately reduce costs; reviewed customer service rates; that the EWR mandate within Public Act 342 had a sunset clause of December 31, 2021; that MPPA and MMEA partnered with Franklin Energy to develop and implement the Clean Energy Program in 2022 and are now looking for commitments from member utilities to renew the program with Franklin Energy for years 2023-2025 at the existing customer service rates.

City Councilmembers commented that this is a great rebate program at a low rate for electric customers.

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

WHEREAS, in 2008, Governor Jennifer Granholm signed into law the “Clean, Renewable, and Efficient Energy Act,” known as Public Act 295; and

WHEREAS, as part of the Act, all electric providers in Michigan were required to implement an Energy Optimization Plan (EOP) that would reduce electric energy consumption by all rate classes including low income residential; and

WHEREAS, the Act also provided parameters for establishing customer service rates that would provide continued funding to support energy efficiency programs; and

WHEREAS, electric providers were required to meet state established goals with oversight by the Michigan Public Service Commission (MPSC), a first for municipal electric utilities; and

WHEREAS, in 2016, Public Act 295 was amended with Public Act 342, known as the “Clean and Renewable Energy and Waste Reduction Act” which maintained the energy efficiency goals established with the energy optimization standards, but redefined programs as “Energy Waste Reduction” (EWR); and

WHEREAS, the Act as amended also included language that allowed non-regulated utilities to discontinue Energy Efficiency Programs as of December 31, 2021; and

WHEREAS, since 2009, the Michigan Public Power Agency (MPPA) has contracted with Franklin Energy, LLC, Lansing, to perform turnkey energy efficiency services for the City of Petoskey along with other participating members throughout the State of Michigan; and

WHEREAS, the City’s Energy Smart Program is funded through customer service rates that originated from parameters established through Public Act 295; and

WHEREAS, the Energy Waste Reduction mandate within Public Act 342 had a sunset clause of December 31, 2021 and although not mandated, 36 out of 40 municipal utilities throughout the State continued to offer energy efficient incentives through 2022 based on the success of previously offered programs and to substantiate the commitment of Public Power for “local control” versus “state oversight”; and

WHEREAS, MPPA and MMEA partnered with Franklin Energy to develop and implement the Clean Energy Program in 2022 and are now looking for commitments from member utilities to renew the program with Franklin Energy, LLC, Lansing, for years 2023-2025:

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Petoskey authorizes the City to continue participating in clean energy programs with Franklin Energy, LLC, Lansing, for years 2023-2025 at the existing customer service rates.

Said resolution was adopted by the following vote:

AYES: DeMoore, Shiels, Wagner, Walker, Murphy (5)

NAYS: None (0)

**Approve Agreement for Park Avenue Sidewalk Expansion Project – Resolution No. 19702**

The Parks and Recreation Director reviewed that in April 2021, City Council authorized staff to submit a development grant to the Michigan Department of Natural Resources Land and Water Conservation Fund (LWCF) program in the amount of \$150,000 for matching funds for the final phase of the Downtown Greenway Corridor, specifically Park Avenue corridor in Pennsylvania Park; that the project would enhance the sidewalk to a 14-foot corridor that would allow for additional seating, increased accessibility and pedestrian traffic; that lighting improvements would also be added to the project for a safer and more aesthetic ambiance to the historic area; that the project is referenced in the Parks and Recreation Master Plan and the Capital Improvements Plan with funding assistance from the Downtown Management Board (\$50,000); that the project was originally scheduled for this year but there was a significant delay in the release of the LWCF allocations; and that the terms of the project agreement allows adequate time to get the project done in the spring of 2024.

City Councilmembers commented that this is a positive improvement for downtown and the corridor; inquired if the 14' expansion was from the restrooms north toward Bay Street; inquired on the 8' trail requirement for ADA compliance; and inquired if the sidewalks will be heated and if green stormwater infrastructure could be implemented in the future.

City staff responded that ADA compliance is 8 feet, but the City committed to 14'; that Pennsylvania Park has accessibility issues; that sidewalks will not be heated; and that there is a green pervious edge along sidewalk.

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

“RESOLVED, that the City of Petoskey, Michigan, does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources, and that the City of Petoskey does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate all funds necessary to complete the project during the project period and to provide One Hundred and Fifty Thousand (\$150,000) dollars to match the grant authorized by the DEPARTMENT.
2. To maintain satisfactory financial accounts, documents, and records to make them available to the DEPARTMENT for auditing at reasonable times.
3. To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement.
4. To regulate the use of the facility constructed and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.
5. To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution.”

Said resolution was adopted by the following vote:

AYES: DeMoore, Shiels, Wagner, Walker, Murphy (5)

NAYS: None (0)

**Council Comments**

Mayor Murphy asked for Council comments and Councilmember DeMoore is interested in discussing use of ARPA funds and hearing reports from Housing North and NLEA at a future meeting. Councilmember Shiels thanked the DMB for the strategic planning document and encouraged Council to read the informative document. Councilmember Wagner commented that he will be introducing the City Manager tomorrow morning to the Sunrise Rotary group. Councilmember Walker reported that there is a public meeting scheduled for September 29 with Emmet County Commissioners on transit and it would be beneficial for City representation to attend in support and that she attended the solar tour over the weekend and that it is a positive experience for residents and praised the early adapters. Mayor Murphy reported that there will be a meeting tomorrow with the community art committee to further discuss a proposed public art plan.

There being no further business to come before the City Council, this September 19, 2022, meeting of the City Council adjourned at 9:13 P.M.

John Murphy, Mayor

Sarah Bek, City Clerk