



CITY COUNCIL

January 23, 2023

A regular meeting of the City of Petoskey City Council was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, January 23, 2023. 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

Absent: Lindsey Walker, City Councilmember

Also in attendance were City Manager Shane Horn, City Clerk Sarah Bek and Parks and Recreation Director Kendall Klingelsmith.

Hear Mark Lennemann's Retirement Recognition Presentation

The Parks and Recreation Director recognized Mark Lennemann, Parks and Recreation Special Facilities Supervisor, on his retirement and 35 years of dedicated service to the City and presented him with a plaque. Current and former Parks and Recreation staff read aloud stories and examples of Mr. Lennemann's work ethic, loyal service to the department and citizens of the community and congratulated him on his retirement.

Mayor Murphy read aloud an employee recognition:

WHEREAS, Mark Lennemann, City of Petoskey Parks and Recreation Special Facilities Supervisor, will officially retire on January 31, 2023, after thirty five (35) years of outstanding and meritorious service to the residents of Petoskey; and

WHEREAS, Mark has been instrumental in the vision and standards of the Petoskey Park system including Petoskey Municipal Marina, the Magnus Campground, and the Winter Sports Park among MANY, MANY others; and

WHEREAS, Mark was a constant positive influence and resource for staff and peers and a tireless proponent of the City parks and recreation programs; and

WHEREAS, throughout his thirty five years of service, Mark has been a dedicated servant to the residents of Petoskey, setting an example to his peers throughout the state of Michigan:

NOW THEREFORE, I, John Murphy, Mayor of the City of Petoskey, on behalf of the City Council and all Petoskey citizens take this opportunity to express our sincere and grateful appreciation, and hereby extend to Mark Lennemann, our congratulations on his well-earned retirement, and our best wishes to him for continued success, happiness and good health in the years to come.

Consent Agenda - Resolution No. 23-08

Following introduction of the consent agenda for this meeting of January 23, 2023, Councilmember Wagner moved that, seconded by Councilmember Shiels adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the January 9, 2023 work session and January 9, 2023 regular 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 January 9, 2023 for contract and vendor claims at \$2,952,866.87, intergovernmental claims at \$0 and the January 19 payroll at \$231,689.32, for a total of \$3,184,556.19 be and is hereby acknowledged.

Said resolution was adopted by the following vote:

AYES: DeMoore, Shiels, Wagner, Murphy (4)

NAYS: None (0)

Hear Public Comment

Mayor Murphy asked for public comments and there were no comments.

Hear City Manager Updates

The City Manager reviewed upcoming public meetings; asked City Council available dates to conduct Public Safety Director interviews; reviewed project status updates including Lofts at Lumber Square, Michigan Maple Block property, 424 Emmet Street OPRA and City Park Grill Rental Rehabilitation grant; that staff created a YouTube Channel to live stream public meetings to enhance citizen engagement; that the Sunrise Rotary distributed a survey available until January 31 regarding July 4 Planning Committee; that the Chamber 2023 State of the Community is February 3; and Downtown Petoskey Winter Wonderland Weekend is scheduled for February 17-20.

Councilmembers discussed proposed dates and times to interview Public Safety Director candidates and concurred that 5:30 P.M., February 8 worked with schedules.

Approve Board and Commission Appointments – Resolution No. 23-09

Mayor Murphy reviewed that City Council consider the following appointments.

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

WHEREAS, Mayor Murphy requests to reappoint Joel Wurster to serve on the Board of Review:

NOW, THEREFORE, BE IT RESOLVED, the City of Petoskey City Council hereby approves the reappointment of Joel Wurster, 909 Spruce Street, to the Board of Review for a three-year term ending April 2025.

Said resolution was adopted by the following vote:

AYES: DeMoore, Shiels, Wagner, Murphy (4)

NAYS: None (0)

Resolution No. 23-10

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

WHEREAS, Mayor Murphy requests to appoint David Shuman to serve on the Board of Review:

NOW, THEREFORE, BE IT RESOLVED, the City of Petoskey City Council hereby approves the appointment of David Shuman, 111 Williams Street, to the Board of Review for a three-year term ending April 2023.

Said resolution was adopted by the following vote:

AYES: DeMoore, Shiels, Wagner, Murphy (4)

NAYS: None (0)

Resolution No. 23-11

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

WHEREAS, Mayor Murphy requests to appoint Christine Gebhard to serve on the Board of Review:

NOW, THEREFORE, BE IT RESOLVED, the City of Petoskey City Council hereby approves the appointment of Christine Gebhard, 618 East Mitchell Street, as an alternate to the Board of Review for a three-year term ending April 2025.

Said resolution was adopted by the following vote:

AYES: DeMoore, Shiels, Wagner, Murphy (4)

NAYS: None (0)

Schedule Public Hearing for Proposed OPRA District for 424 Emmet Street – Resolution No. 23-12

The City Manager reviewed that the City received an Obsolete Property Rehabilitation Act (OPRA) application from Silva Properties LLC, 424 Emmet Street; that OPRA allows for an abatement of local taxes for up to 12 years to assist in the redevelopment of older buildings in which it is contaminated, blighted or functionally obsolete; that the applicant is requesting a 12-year tax abatement to renovate the property; that the property has been vacant for the last 20 years; that current local taxes are \$1,478 and after abatement period is over estimated amount would be \$16,659; and that a public hearing is recommended for the February 20 meeting.

Councilmembers inquired when the annual tax is collected; inquired on the minimum match and how that amount is determined; heard comments on past discussions on sunset clauses based on past developers not breaking ground on new projects; heard from those in favor of the project and that it is good to improve a blighted property; and heard from those concerned moving forward with the project without a policy in place to assess how incentive options should be awarded and that a policy would help Council, staff, developers and the public during this type of process.

Tom Johnson, Landmark Group LLC, working on behalf of Silva Properties reviewed that the City would begin collecting annual taxes after the 12-year abatement was completed and reviewed proforma calculations, debt ratio and how the project can be financially feasible with abatement.

The City Manager reviewed that staff is working with NLEA to formulate a policy to give Council the latitude when reviewing potential projects.

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

BE IT RESOLVED, the City of Petoskey City Council hereby schedules a public hearing for 7:00 P.M., Monday, February 20, 2023, to solicit comments on the potential establishment of an Obsolete Property Rehabilitation Act District for 424 Emmet Street.

Said resolution was adopted by the following vote:

AYES: DeMoore, Shiels, Wagner, Murphy (4)

NAYS: None (0)

Schedule Public Hearing for Proposed OPRA Exemption Certificate Application for 424 Emmet Street – Resolution No. 23-13

The City Manager reviewed that establishing an Obsolete Property Rehabilitation Act (OPRA) District and approving an Exemption Certificate Application is a two-step process; that two separate public hearings are required; and each item will be discussed and potentially approved separately.

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

BE IT RESOLVED, the City of Petoskey City Council hereby schedules a public hearing for 7:00 P.M., Monday, February 20, 2023, to solicit comments on the potential approval of an Obsolete Property Rehabilitation Exemption Certificate Application for 424 Emmet Street.

Said resolution was adopted by the following vote:

AYES: DeMoore, Shiels, Wagner, Murphy (4)

NAYS: None (0)

Approve Records Management Policy and Records Retention and Disposal Schedules – Resolution No. 23-14

The City Manager reviewed the importance of good records management; that the City Clerk is responsible for keeping and preserving all official documents, as well as individual City offices and departments; that staff recommends adopting a Records Management Policy; that State statute requires municipalities to retain records in accordance with an approved retention schedule; that MML provides retention and disposal schedules that have been approved by the Michigan Department of Technology, Management and Budget as approved for local government, along with any subsequent amendments to said schedules that shall, from time-to-time, be approved; and that retention of records beyond the period required by law poses operational and feasibility difficulty in terms of creating adequate storage space and devising a system that simplifies locating specific records within that space.

Councilmembers inquired if there is a software program to assist organizing schedules and heard from those in support of technology to aid staff to better organize retention and disposal schedules and store records.

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

WHEREAS, City staff recognizes that good records management is vital to the effective and efficient operation of government operations; and

WHEREAS, the City Clerk is responsible for keeping and preserving all official documents, as well as individual City offices and departments; and

WHEREAS, the City Clerk recommends City Council adopt a Records Management Policy and approve Records Retention and Disposal Schedules;

WHEREAS, the Records Management Policy shall apply to all employees, agents, independent contractors and volunteers of the City of Petoskey; and

WHEREAS, the Records Management Policy covers various definitions, records vs. non-records, retention, maintenance, disposal and general schedules for local governments; and

WHEREAS, the City of Petoskey creates and maintains various records in its day-to-day operation and is required by statute (Michigan Compiled Laws, section 399.811 and 750.491) to retain those records in accordance with an approved retention schedule; and

WHEREAS, the retention of records beyond the period required by statutory law poses operational and feasibility difficulty in terms of creating adequate storage space, and devising a system that simplifies locating specific records within that space; and

WHEREAS, the City of Petoskey is an active member of the Michigan Municipal League; and

WHEREAS, the Michigan Municipal League provides Retention and Disposal Schedules that have received approval from the Michigan Department of Technology, Management & Budget:

THEREFORE BE IT RESOLVED by the Petoskey City Council that the City adopts the Records Management Policy; and

BE IT FURTHER RESOLVED by the Petoskey City Council that the City adopts the following Records Retention and Disposal Schedules for Local Government, along with any subsequent amendments to said Schedules that shall, from time-to-time, be approved:

- a. General Records Retention and Disposal Schedule #8 (approved April 1998)
- b. General Records Retention and Disposal Schedule #11-Local Law Enforcement (approved December 2021)
- c. General Records Retention and Disposal Schedule #17-Public Libraries (approved January 2005)
- d. General Records Retention and Disposal Schedule #18-Fire/Ambulance Departments (approved March 2007)
- e. General Records Retention and Disposal Schedule #19-Prosecuting Attorneys (approved May 2007)
- f. General Records Retention and Disposal Schedule #23-Election Records (approved January 2016)
- g. General Records Retention and Disposal Schedule #24-City Clerks (approved November 2008)
- h. General Records Retention and Disposal Schedule #26-Local Government Human Resources (approved August 2022)
- i. General Records Retention and Disposal Schedule #28-City Treasurer (approved July 2010)
- j. General Records Retention and Disposal Schedule #30-Local Government Information Technology (approved December 2009)
- k. General Records Retention and Disposal Schedule #31-Local Government Financial Records (approved April 2009)
- l. General Records Retention and Disposal Schedule #32-Local Government Parks and Recreation (approved April 2010).

Said resolution was adopted by the following vote:

AYES: DeMoore, Shiels, Wagner, Murphy (4)

NAYS: None (0)

Discuss Council Meeting Time Change

Mayor Murphy reviewed that he had talked to the City Manager and is a proponent of meeting times staying consistent with other City Boards and Commissions which the majority have all been changed from 7pm to 6pm and out of respect to staff and the public, is in favor of changing Council meeting start time.

Councilmembers discussed pros and cons to changing meeting start time; heard from those who are proponents of civic engagement and concerned changing time could affect public participation; heard from those in favor of keeping the 7pm time, but also heard from others that are flexible; discussed the possibility of work sessions being on a different day vs. the same day as regular Council meetings; and concurred to further consider and discuss at a future meeting.

Council Comments

Mayor Murphy asked for Council comments and Councilmember Wagner enjoyed the tribute to Mr. Lennemann and could not be prouder to serve Petoskey citizens and the community. Councilmember Shiels commented on the pedestrian/vehicle accident at Howard/Sheridan intersection and feels an idea should be brought to the forefront in a City Action Plan to serve and provide safety for those that walk and bike. Councilmember DeMoore commented on enhancing communication as part of Action Plan and thanked staff for the new YouTube Channel as an additional tool for engagement and attended the Americans and the Holocaust Exhibit at the Library and gave kudos to the Library staff. Mayor Murphy reported that he had met with City staff this morning regarding the pedestrian/vehicle accident and that there will be an assessment on school cross-walk areas and ways to address if issues are found in collaboration with the school district.

There being no further business to come before the City Council, this January 23, 2023, meeting of the City Council adjourned at 8:33 P.M.

John Murphy, Mayor

Sarah Bek, City Clerk