



## CITY COUNCIL AND PLANNING COMMISSION

January 30, 2023

A special joint meeting of the City of Petoskey City Council and Planning Commission was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, January 30, 2023. This meeting was called to order at 6:00 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  
Brian Wagner, City Councilmember  
Lindsey Walker, City Councilmember

Doug Buck (arrived at 6:17pm)  
Carolyn Dettmer  
Matt McSweeney  
Richard Mooradian  
Ted Pall  
Cynthia Robson  
Charlie Willmott

Absent: Derek Shiels, City Councilmember, Betony Braddock and Rick Neumann  
(via zoom)

Also in attendance were City Manager Shane Horn, City Clerk Sarah Bek, City Planner Zach Sompels and Downtown Director Becky Goodman.

### **Hear Ethics Training from Plunkett Cooney**

Matt Cross, City Attorney, provided a brief ethics training for Councilmembers and Planning Commissioners. Mr. Cross reviewed concrete, objective standards to help determine what is ethical in their roles as public servants; reviewed Planning Enabling Act and how Planning Commission bylaws and examples constitute a conflict of interest and how to proceed when a conflict is found to exist; reviewed Incompatible Offices Act; that there must be an actual incompatibility and abstaining is, in and of itself, a breach of duty and may not fix issue; reviewed Standards of Conduct and Ethics Act and examples prohibiting a public officer or employee which includes elected and appointed officials such as divulging insider information, soliciting or accepting a gift or other thing of value for the benefit of a person or organization; reviewed common law principles; and that best practice is to err on the side of caution and of full and complete disclosure, be proactive with any potential conflicts with others and seek guidance from the City Attorney, through the City Manager.

Council and Planning Commissioners inquired if an individual excuses self are they allowed to remain in the meeting room; heard from those trying to determine what is ethical and effective to enhance communication between the two bodies; inquired on 1 on 1 discussions between members and developers; inquired who enforces this type of activity; heard from those indicating tonight's training conflicts with prior training; inquired on process of a FOIA request and what is required to be submitted; and concurred that additional information would be beneficial in regards to context, communications outside of meetings, Open Meetings Act (OMA) and ex parte trainings.

Mr. Cross responded that if an individual excuses themselves then the member would need to leave the meeting room due to Planning Commission bylaws; that members are allowed to have different viewpoints, but does not touch on ethic issues; that 1 on 1 discussions between members is perfectly fine as long as not violating OMA and there is no ethical issue; that this type of activity is self-policing; that the City Attorney should be contacted for guidance in regards to FOIA requests and what documentation should be distributed; and agreed he would work with City staff and prepare a training pertaining to OMA and potentially other related matters.

### **Discuss Darling Parking Lot and Walker Parking Study**

The City Manager reviewed that the purpose of this discussion was to provide feedback and direction to staff on priorities of the Darling Lot and not to design; that he is a proponent of giving developers clear direction on what the community and elected bodies are interested in seeing for development; and reviewed options to consider for this site including doing nothing, identify that parking is a seasonal issue, building a multilevel parking structure or a mixed-use development.

The Downtown Director gave a brief overview of previous Walker Parking Studies dating back to 2004 with possibilities and cost and reviewed parking statistics in regards to deficits and needs.

Council and Planning Commissioners inquired where cars go when no parking spaces available; inquired how Walker Parking got parking numbers, when typically, any given time there is a space available; inquired on the rationale of a mixed-use development vs. stand-alone parking platform; heard comments that ramping and additional stories takes away parking gains and increases cost; heard from those that believe there is a parking shortage and need is more than 30-60 spaces; that the Darling Lot is easiest place to get material impact; inquired if a green roof or solar had been discussed; asked if a return on investment (ROI) analysis had been completed; inquired how this project would be funded; that the Darling Lot is only RRC property owned by the City and the idea is to attract developers, but most will not develop only a parking structure; heard from those not in favor of using taxpayer dollars to fund only a parking structure; reviewed impact on tax base and benefits to community; inquired who the parking primarily benefits and how would it be controlled; suggested a shuttle system for downtown employees to free up spaces; suggested looking at project holistically with a public and private partnership with incentives; inquired on other potential locations for a structure such as the history museum Depot Lot; heard from those concerned with cost and every year the City stalls the cost increases; inquired on the zoning district and allowable height; and heard concerns that with a mixed-use more luxury condos could occur and increased height issues.

City staff responded that studies were completed during height of summer; that with a mixed-use development more maintenance and height issues could occur; that green roofs and solar has been considered, but is costly; that the DMB has not done an ROI analysis; that the parking fund has approximately \$1M in savings which has been identified and intended to use towards additional parking and maintenance of current parking system; that a survey was completed back in 2017-2018 and it was clear merchants would not ask employees to shuttle in to town; that a parking structure is included in downtown strategic plan and if continue to do nothing could lose credibility; that bonding or TIF could be used to fund project; discussed privatized opportunities; and the lot is zoned B-2 in Central Business District and allows for three stories, 45 feet.

Mayor Murphy asked for public comments and heard comments that this is a huge decision without enough information; inquiries on the return of a cost of \$100,000 per parking space; commented on a potential special assessment on every downtown business to aid in funding; that there is a cost of doing nothing, but good to know more; that no one would use shuttle system and is not conducive to the structure of a worker's day; that there is no meaningful parking issue; heard comparisons to Mackinac Island and big box store parking concepts; inquired if the DMB had weighed in on issue; heard concerns that it is not feasible to do a mixed-use development; and that RRC sites are reevaluated every year and the Darling Lot should be a parking lot, and not designated as an RRC site.

There being no further business to come before the City Council, this January 30, 2023, meeting of the City Council adjourned at 8:08 P.M.

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