



CITY COUNCIL

December 2, 2019

1. Call to Order – 7:00 P.M. - City Hall Council Chambers
2. Recitation – Pledge of Allegiance to the Flag of the United States of America
3. Roll Call
4. Consent Agenda – Adoption of a proposed resolution that would confirm approval of the following:
 - (a) November 18, 2019 regular session City Council meeting minutes
 - (b) Acknowledge receipt of a report concerning certain administrative transactions since November 18, 2019
5. Miscellaneous Public Comments
6. City Manager Updates
7. Old Business – Second reading of a proposed ordinance amending Sections 702(3) and 1909 of Appendix A – Zoning Ordinance
8. New Business
 - (a) Initial discussion on the 2019 Draft Action Plan
 - (b) First reading of a proposed ordinance amending Chapter 8, Article VIII concerning mobile food vending
 - (c) Adoption of a proposed resolution that would authorize the City Manager to execute a new collective bargaining agreement covering full-time, non-supervisory Public Safety Officers
 - (d) Adoption of a proposed resolution approving the 2020 City Council meeting schedule
 - (e) Discussion on the City Application to serve on a Board or Commission
9. City Council Comments
10. Adjournment



City of Petoskey

Agenda Memo

BOARD: City Council

MEETING DATE: December 2, 2019

PREPARED: November 27, 2019

AGENDA SUBJECT: Consent Agenda Resolution

RECOMMENDATION: That the City Council approve this proposed resolution

The City Council will be asked to adopt a resolution that would approve the following consent agenda items:

- (1) Draft minutes of the November 18, 2019 regular session City Council meetings; and
- (2) Acknowledge receipt of a report from the City Manager concerning all checks that have been issued since November 18, 2019 for contract and vendor claims at \$329,410.36, intergovernmental claims at \$0, and the November 28 payroll at \$200,308.37 for a total of \$529,718.73.

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Enclosures



CITY COUNCIL

November 18, 2019

A regular meeting of the City of Petoskey City Council was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, November 18, 2019. 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
Kate Marshall, City Councilmember
Suzanne Shumway, City Councilmember
Grant Dittmar, City Councilmember
Lindsey Walker, City Councilmember

Absent: None

Also in attendance were City Manager Robert Straebel, Clerk-Treasurer Alan Terry, City Planner Amy Tweeten, Public Works Director Michael Robbins, Downtown Director Becky Goodman and City Attorney James Murray.

Special Assessment Roll Public Hearing

A public hearing was held to receive comments on the proposed special assessment roll that would spread costs of downtown area programs and services during 2020, as requested by the Downtown Management Board. The DMB's recommended assessment formula is \$0.18 per square foot of usable, first-floor space within eligible, non-residential buildings located in the Management Board's territory as the assessment district; \$0.045 per square foot of usable space on floors other than the first floor; and \$0.055 per square foot of area on vacant, buildable lots.

Mayor Murphy opened the public hearing at 7:02 P.M. and there were no public comments and the hearing closed.

Budget and Tax-Levy Public Hearing

A public hearing was held to receive comments concerning the City's proposed 2020 Annual Budget and recommended property tax millage rates for 2020. The City's proposed 2020 Annual Budget was initially presented and discussed at the November 4 City Council meeting. At the November 4 meeting, a public hearing was scheduled for November 18, as required by City Charter and State statute provisions, to receive comments about the recommended budget and property tax millage rates that have been proposed as part of the budget recommendation. (Actual millage rates would be set in 2020.) City Charter provisions require the City Council to conduct public hearings each year to receive comments concerning annual budget proposals and provisions of the Michigan Truth-in-Taxation Act require governing boards of local units of government to conduct annual public hearings prior to establishing property tax millage rates, if estimated amounts of revenues that would be produced by property tax levies are anticipated to exceed amounts in the new year that had been received from levies during the previous year. The November 18 public hearing would satisfy City Charter requirements and meet provisions of the Michigan Truth-in-Taxation Act that require opportunities for comments concerning proposed estimated amounts of property tax millage rates for the General, Rights-of-Way and Library Funds, though actual millage rates would be established by the City Council in May or June, following the State's equalization of values.

Mayor Murphy opened the public hearing at 7:03 P.M. and there were no public comments and the hearing closed.

Consent Agenda - Resolution No. 19343

Following introduction of the consent agenda for this meeting of November 18, 2019, City Councilmember Dittmar moved that, seconded by City Councilmember Marshall adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the November 4, 2019 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 November 4, for contract and vendor claims at \$1,015,634.04, intergovernmental claims at \$5,954.15, and the November 14 payroll at \$200,069.44, for a total of \$1,221,657.63 be and is hereby acknowledged.

Said resolution was adopted by the following vote:

AYES: Marshall, Shumway, Dittmar, Walker, Murphy (5)

NAYS: None (0)

Hear Public Comment

Mayor Murphy asked for public comments and heard from Reg Smith, 600 Arlington Avenue, Apt. 7, congratulating Mayor Murphy and Councilmembers elected at the November 4 General Election.

Hear City Manager Updates

The City Manager reported that the City achieved silver certification as part of the Michigan Green Communities Challenge and that the City is well-positioned to achieve gold certification next year by completing a forestry plan and a solar array project for a City building which are both included in the 2020 Budget; that several stakeholders attended a renewable energy meeting on November 6 at City Hall to discuss and hear progress on many efforts around the region; that there are lighting upgrades happening at City Hall, both Fire Stations and the Parks and Recreation building which have been benchmarked for energy consumption so the City will be able to compare energy usage from year to year; that DPW staff will do a final City-wide leaf pickup beginning November 25, weather permitting; that the ordinance allowing food trucks on both private and public property is set to expire December 31, 2019 and staff will recommend revisions for Council consideration at the December 2 meeting; that staff is currently working on a new promotional flyer to increase participation in the Voluntary Green Pricing Program and the flyer will be sent out with utility bills in the next two months, and promotional stickers have been finalized and will be mailed early 2020 to all program participants; that staff discovered some slope failure issues adjacent to the Little Traverse Wheelway between Magnus Park and East Park and staff is researching engineering options to mitigate impacts to this area; and that the East Bayfront Park sewer line issue is near completion and that shoreline erosion appears to have slowed and seems to have stabilized.

City Councilmembers inquired if vehicle usage is monitored as part of the Green Communities Challenge; inquired on raingardens; and if EMGO services could be included in the Green Communities Challenge.

City staff responded that electric vehicles are considered when reviewing benchmarks; reviewed the purpose of raingardens; and will look into seeing if EMGO could be included in 2020 metrics.

Confirm Special Assessment Roll – Resolution No. 19344

The City Manager reviewed the proposed special assessment roll, programs and services, increased rates for 2020 and that an estimated \$10,000 in additional revenues will be collected due to the increased formula. No comments were received during the public hearing earlier in the meeting.

Mayor Murphy asked for public comments and heard a comment that the increased rates are significant and should be reconsidered.

City Councilmember Marshall moved that, seconded by City Councilmember Dittmar adoption of the following resolution:

WHEREAS, the City Council on October 7, 2019, reviewed a report of September 23, 2019, that had been prepared by the City Manager that listed programs and services that had been proposed to be provided property owners and tenants within the Downtown Management Board's territory along with the proposed special-assessment roll that could be implemented to finance such programs and services; and

WHEREAS, following that review, the City Council conducted a public hearing on October 21, 2019, to receive comments concerning recommended programs and services as proposed to be provided by the Downtown Management Board as well as costs that had been estimated by the Downtown Management Board for providing such programs and services; and

WHEREAS, after having received no comments at its October 21 public hearing, the City Council then approved the programs and services as had been recommended by the Downtown Management Board, as well as approved the costs for such programs and services that had been estimated by the Downtown Management Board; and

WHEREAS, in addition to approving proposed downtown programs and services and costs of such programs and services, City Council directed City staff to prepare a special-assessment roll in accordance with the City Council's approval of recommended programs and services and costs of such programs and services for presentation to the City Council on November 4, 2019; and

WHEREAS, after receiving a proposed special-assessment roll, City Council accepted the assessment roll, ordered that it be placed on file with City staff and made available for inspection by the public, scheduled a public hearing for November 18, 2019, to receive comments concerning the proposed special-assessment roll, and directed City staff to publish a notice of the November 18, 2019 public hearing and to notify potentially affected property owners of said hearing; and

WHEREAS, the City Council conducted its November 18 public hearing and is satisfied with the assessment roll as prepared by the City staff and believes that assessments are in proportion to the benefits to be received:

NOW, THEREFORE, BE IT RESOLVED that the City of Petoskey City Council does and hereby accepts the special-assessment roll as prepared by City staff and as presented to the City Council and is satisfied with the roll and believes that assessments are in proportion to the benefits to be received; and

BE IT FURTHER RESOLVED that City Council does and hereby confirms the special-assessment roll as prepared by City staff and as presented to City Council; and

BE IT FURTHER RESOLVED that the City Council does and hereby orders that a certified copy of said special-assessment roll be placed on file at the City Hall and that the staff be and is hereby directed to spread the assessments and collect the various sums and amounts that appear on said special-assessment roll.

Said resolution was adopted by the following vote:

AYES: Marshall, Shumway, Dittmar, Walker, Murphy (5)

NAYS: None (0)

Approve 2020 Budget – Resolution No. 19345

The City Manager reviewed that following a lengthy presentation at the November 4 City Council meeting concerning the City's proposed 2020 Annual Budget, City Council scheduled a public hearing for November 18 to receive comments concerning both the budget recommendation and property tax millage rates, which was conducted earlier in the meeting and there were no comments. The City Manager further reviewed highlighted issues in the proposed budget.

City Councilmembers expressed a long-term concern regarding 2% wage increases every year and how it may affect the future and inquired if the application fee for the City Planner to review potential development plans may be an impediment to future development in the community.

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

WHEREAS, as required of City Charter provisions, the City Manager has presented to the City of Petoskey City Council the City's proposed annual budget for 2020; and

WHEREAS, as also is required of City Charter provisions, the City Council on November 18, 2019, conducted a public hearing to receive comments concerning these proposed budgets for the City's various funds:

General Fund

January 1, 2020 Fund Balance	\$ 5,904,042
Revenues	<u>9,451,200</u>
Expenditures:	
General Governmental Services	1,803,400
Public Safety	4,086,200
Public Works	657,800
Recreation and Cultural	<u>3,441,400</u>
Total Expenditures	<u>9,988,800</u>
December 31, 2020 Fund Balance	\$ <u>5,366,442</u>

Major Street Fund

January 1, 2020 Fund Balance	\$ 1,374,728
Revenues	901,600
Expenditures	<u>1,552,100</u>
December 31, 2020 Fund Balance	\$ <u>724,228</u>

Local Street Fund

January 1, 2020 Fund Balance	\$ 792,316
Revenues	444,000
Expenditures	<u>515,700</u>
December 31, 2020 Fund Balance	\$ <u>720,616</u>

General Street Fund

January 1, 2020 Fund Balance	\$ 1,189,083
Revenues	1,462,600
Expenditures	<u>1,567,600</u>
December 31, 2020 Fund Balance	<u>\$ 1,084,083</u>

Tax Increment Finance Authority Fund

January 1, 2020 Fund Balance	\$ 719,975
Revenues	375,000
Expenditures	<u>392,000</u>
December 31, 2020 Fund Balance	<u>\$ 702,975</u>

Library Fund

January 1, 2020 Fund Balance	\$ 960,576
Revenues	1,536,200
Expenditures	<u>1,534,200</u>
December 31, 2020 Fund Balance	<u>\$ 962,576</u>

Downtown Management Fund

January 1, 2020 Fund Balance	\$ 105,610
Revenues	193,200
Expenditures	<u>192,800</u>
December 31, 2020 Fund Balance	<u>\$ 106,010</u>

Downtown Parking Fund

January 1, 2020 Retained Earnings	\$ 745,596
Revenues	906,500
Expenses	<u>711,400</u>
December 31, 2020 Retained Earnings	<u>\$ 940,696</u>

Right-of-Way Fund

January 1, 2020 Fund Balance	\$ 632,346
Revenues	1,798,000
Expenditures	<u>1,607,000</u>
December 31, 2020 Fund Balance	<u>\$ 823,346</u>

Electric Fund

January 1, 2020 Retained Earnings	\$ 23,338,924
Revenues	11,322,800
Expenses	<u>11,684,300</u>
December 31, 2020 Retained Earnings	<u>\$22,977,424</u>

Water and Sewer Fund

January 1, 2020 Retained Earnings	\$ 25,417,897
Revenues	5,948,300
Expenses	<u>5,757,000</u>
December 31, 2020 Retained Earnings	<u>\$ 25,609,197</u>

Motor Pool Fund

January 1, 2020 Retained Earnings	\$ 4,085,746
Revenues	1,995,800
Expenses	<u>1,005,200</u>
December 31, 2020 Retained Earnings	\$ <u>5,076,346</u>

Building Authority Marina Improvements Bond Fund

January 1, 2020 Fund Balance	\$ 14,487
Revenues	114,600
Expenditures	<u>114,200</u>
December 31, 2020 Fund Balance	\$ <u>14,887</u>

Building Authority Bear River Valley Improvements Bond Fund

January 1, 2020 Fund Balance	\$ 93,314
Revenues	225,500
Expenditures	<u>224,500</u>
December 31, 2020 Fund Balance	\$ <u>94,314</u>

WHEREAS, following the public hearing to receive comments concerning the proposed 2020 Annual Budget and its consideration of the proposed budget, the City Council wishes to approve the proposed budgets of these various City funds; and

NOW, THEREFORE, BE IT RESOLVED that the City of Petoskey City Council does and hereby approves the 2020 Annual Budget as presented by the City Manager and as summarized in this resolution; and

BE IT FURTHER RESOLVED that the City Manager be and is hereby authorized to declare certain obsolete City owned personal property as surplus and to arrange for its sale or disposal; and

BE IT FURTHER RESOLVED that the City Manager be and is hereby authorized to make adjustments among line item appropriations so long as the total expenditure budget for the assigned fund is not exceeded; and

BE IT FURTHER RESOLVED that the City Manager be and is hereby authorized to negotiate with and establish certain rates for electric-utility customers as might be deemed appropriate in response to on-going utility-industry restructuring efforts; and

BE IT FURTHER RESOLVED that the City Manager be and is hereby authorized to continue the City's participation in the various feasibility studies that are conducted by the Michigan Public Power Agency or to join in with other studies, service committees, or projects that would be established by the Agency, such as those related to power-supply issues, or those that would meet municipal electric-system needs; and

BE IT FURTHER RESOLVED that the City Manager be and is hereby authorized to work with other municipally-owned electric utilities to study the feasibilities of satisfying short- and long-term power-supply needs; and

BE IT FURTHER RESOLVED that the City Manager be and is hereby authorized to work through Michigan Public Power Agency to identify and enter into power purchase agreements or transactions to satisfy power supply needs, consistent with the Energy Services Risk Management Policy as adopted by the City of Petoskey; and

BE IT FURTHER RESOLVED the rates and charges for services, fees, permits, licenses and the like and as listed in the City's Schedule of Rates and Charges and as attached to this resolution are approved and authorized to be charged and collected as applicable; and

BE IT FURTHER RESOLVED that the City Manager receives a 2% increase to his wage rate; and

BE IT FURTHER RESOLVED that the various parts, sections, and clauses of this resolution are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the resolution shall not be affected thereby.

Said resolution was adopted by the following vote:

AYES: Marshall, Shumway, Dittmar, Walker, Murphy (5)

NAYS: None (0)

Approve Design for Kalamazoo Avenue Reconstruction Project – Resolution No. 19346

The City Manager reviewed that City Council referred the CIP 2020 Kalamazoo Avenue reconstruction project to the Planning Commission for its approval pursuant to the Michigan Planning Enabling Act; that an open house on the project was held on October 9 and the Commission reviewed the project at its October 17 and November 7 meetings; that a subcommittee meeting was held on the corner of Kalamazoo and Jennings on October 28; that based on comments from the Commission and Hal Taylor, owner of Corner Grocer, staff had a third concept developed that extends sidewalks in both the Jennings and Kalamazoo right-of-ways, creates perpendicular parking in the Jennings Avenue right-of-way and eliminates all parallel parking bump-outs; that the plan design addressed the needs for both Mr. Taylor and the City; and reviewed design parameters including a 30-foot-wide street, with the exception of the section between Spruce and Lindell at 26 feet, sidewalks on both sides of the street, no parking on the west side of the street with sharrows installed, a storm water BMP/green infrastructure project at Sunset Court and perpendicular parking on Jennings Avenue behind a sidewalk adjacent to the Corner Grocer.

City Councilmembers discussed street widths and inquired on funding through the Major Street Fund vs. Local Street Fund; expressed appreciation that the Master Plan agrees with this conceptual plan; inquired if snow removal would be an issue; and that it is positive to see that stakeholders agree with staff's recommended plan.

Mayor Murphy asked for public comments and heard an inquiry if it is a pattern for the City to narrow streets and that it will be more difficult for cars to drive since widths are shrinking more and more.

City Councilmember Shumway moved that, seconded by City Councilmember Walker to approve the design parameters as presented for the Kalamazoo Avenue reconstruction project.

Said motion was adopted by the following vote:

AYES: Marshall, Shumway, Dittmar, Walker, Murphy (5)

NAYS: None (0)

Discuss Parr Baptist Church, 502 Michigan Street, as a Priority Redevelopment Site

The City Planner reviewed that as part of the certification process for Redevelopment Ready Communities (RRC), the City was asked to identify at least three sites that it would prioritize for redevelopment incentives should a development come forward that met specified criteria; that the initial three sites recommended by Planning Commission were 200 East Lake Street, 900 Emmet Street and the Darling Lot; that 502 Michigan Street has been requested to be added for consideration; reviewed that the property is in the O-S Office Service District which would allow residential and office uses with accessory retail uses; that over the years, staff has received calls about using it for various uses, but that the 100+ year old building is in need of significant work; that as a church or if purchased by a non-profit, no taxes would be paid on the property, but if the property could be successfully redeveloped, it would become taxable; that adaptive reuse of historic structures is an expensive endeavor and the reason why no purchase offer at this property has moved forward; that staff believes that absence assistance of some sort, the property will continue to deteriorate; and that staff is looking for direction from Council to add this to the list of priority redevelopment sites and if there is any specific criteria wanted.

City Councilmembers discussed the proposed site and heard from those opposed to this request; that some developers are non-profit and will request lowering the price of property; inquired if there were any other available sites to consider; discussed tax abatements; discussed priority sites and the RRC program; and concurred to defer action until the next regular scheduled meeting in December.

Mayor Murphy asked for public comments and heard a comment that if City isn't in favor of doing tax abatements then why is the City certified as a Redevelopment Ready Community.

City staff recommended having Dan Leonard with the MEDC do a short presentation on MEDC programs and will contact him to see his availability.

First Reading of a Proposed Ordinance Amending Appendix A – Zoning Ordinance

The City Planner reviewed that the Planning Commission is recommending two house-keeping amendments to 702(3) Special Condition Uses in the RM-2 District and 1909 Planning Commission Approval. The City Planner further reviewed that Planning Commission recommended language changes to City Council for boarding house regulations that established occupancy limits through the number of bathrooms and Council amended the language to put an occupancy limit of six (6) unrelated persons, which made the language on bathrooms inconsistent; and reviewed that site plan approvals be granted for 18 months from the date approval is given rather than existing language where a site plan expires after 6 months if a building permit has not been issued and construction commenced.

Mayor Murphy asked for public comments and heard a comment concerning boarding houses and the maximum number of occupants.

City Council will conduct a second reading of the proposed zoning ordinance at the next regular scheduled meeting.

Recess to Closed Session – Resolution No. 19347

City Council was being asked to adopt a resolution that would recess to a closed session pursuant to Section 8(h) of the Michigan Open Meetings Act, to consider material exempt from disclosure.

City Councilmember Shumway moved that, seconded by City Councilmember Marshall 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 material exempt from disclosure, at the City Council's regular meeting of November 18, 2019:

NOW, THEREFORE, BE IT RESOLVED that the City Council does and hereby authorizes to recess to a closed session, to consider material exempt from disclosure.

Said resolution was adopted by the following vote:

AYES: Marshall, Shumway, Dittmar, Walker, Murphy (5)

NAYS: None (0)

Recessed to closed session at 8:25 P.M. and reconvened into open session at 9:07 P.M.

Approve Referendum Petition Ballot Language Concerning Medical Marihuana – Resolution No. 19348

The City Manager reviewed that over the past several months City Council reviewed, revised and adopted ordinances regulating medical marihuana provisioning facilities; that Ordinance 773 was adopted on October 7, 2019 and became effective 15 days later on October 22; that on November 1 the City was presented a referendum petition from Citizens Against Marihuana Retail in Petoskey that would repeal Ordinance 773; the petitions were delivered by James Dittmar and Joe Blachy to the City Clerk-Treasurer; reviewed that Ordinance 773 among other things, authorizes the establishment of medical marihuana facilities and provides standards and procedures for review, issuance, renewal and revocation of City-issued medical marihuana permits; reviewed the petition signatures and requirements; and that per the City Charter, City Council has 30 days from the time the referendum petition was presented to Council on November 4, 2019 to either repeal the ordinance or portion of the ordinance referred, or submit the proposal to the voters to be voted upon at the March 10, 2020 in conjunction with the Presidential Primary.

Mayor Murphy asked for public comments and heard from those opposed to repealing the ordinance and that it short-cuts the process.

City Councilmember Marshall moved that, seconded by City Councilmember Shumway adoption of the following resolution:

WHEREAS, the City of Petoskey has enacted Ordinance No. 773, entitled "An Ordinance to Amend Chapter 8 of the Petoskey Code of Ordinances, Businesses and Business Regulations, Creating a New Article IX – Medical Marihuana Facilities, Within the City of Petoskey;" and

WHEREAS, the above Ordinance was enacted on October 7, 2019 and became effective October 22, 2019; and

WHEREAS, the City has received a referendum petition requesting that the City repeal Ordinance No. 773 in its entirety; 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 days prior to the filing, and said filing having occurred within 30 days of the enactment of the ordinance; and

WHEREAS, the referendum 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 repeal the ordinance referred 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 a Presidential Primary to be held in the City of Petoskey on March 10, 2020:

Shall City of Petoskey Ordinance No. 773, entitled "An Ordinance to Amend Chapter 8 of the Petoskey Code of Ordinances, Businesses and Business Regulations, Creating a New Article IX – Medical Marihuana Facilities, Within the City of Petoskey" be repealed in its entirety?

Yes () No ()

2. The City Clerk shall forthwith transmit a copy of the ballot question to the Governor of the State of Michigan for his/her approval, and transmit a copy of the foregoing statement of purpose of such proposed amendment to the Attorney General of the State of Michigan for his/her approval, to the extent required by law.
3. 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.
4. 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.
5. 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: Marshall, Shumway, Dittmar, Walker, Murphy (5)

NAYS: None (0)

Approve Initiative Petition Concerning Recreational Marihuana – Resolution No. 19349

The City Manager reviewed that City Council adopted Ordinance 769 on May 6, 2019 that prohibits recreation marihuana establishments in the City; that the action “opted out” of recreational marihuana while the State enacted provisions and regulations that would apply to recreational marihuana establishments; that on November 1, 2019 the City was presented an initiative petition from Citizens Against Marihuana Retail in Petoskey that would amend existing Ordinance 769; that the petitions were delivered by James Dittmar and Joe Blachy to the City Clerk-Treasurer; reviewed the petition signatures and requirements; that the initiative would amend the second paragraph of Section 8-169 by adding a sentence to the end of the paragraph stating, “No recreational marihuana establishment shall be allowed within the City without first securing the approval of the majority of voters of the City voting on the question in any general or special election”; and that per the City Charter, City Council has 30 days from the time the referendum petition was presented to Council on November 4, 2019 to enact the ordinance as submitted in the petition or submit the proposal to the voters to be voted upon at the March 10, 2020 in conjunction with the Presidential Primary.

Mayor Murphy asked for public comments and heard an inquiry if Council were to repeal the ordinance would recreation marihuana be allowed and that it costs additional funds to conduct special elections.

City Councilmember Marshall moved that, seconded by City Councilmember Shumway adoption of the following resolution:

WHEREAS, the City of Petoskey has 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;” and

WHEREAS, the City has received an initiative petition requesting that the City amend Ordinance No. 769 to include additional language; specifically: “No recreational marihuana establishment shall be allowed within the City without first securing the approval of the majority of voters of the City voting on the question in any general or special election;” 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 days prior to the filing, and said filing having occurred within 30 days of the enactment of the ordinance; 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 a Presidential Primary to be held in the City of Petoskey on March 10, 2020:

A proposed initiated ordinance to amend in part Ordinance No. 769 concerning marihuana establishments within the City of Petoskey.

This proposal would add the following language to Ordinance No. 769, Section 8-169, entitled "Prohibition of Recreational Marijuana:"

No recreational marihuana establishment shall be allowed within the City without first securing the approval of the majority of voters of the City voting on the question in any general or special election.

Should this proposal be adopted?

Yes () No ()

2. The City Clerk shall forthwith transmit a copy of the ballot question to the Governor of the State of Michigan for his/her approval, and transmit a copy of the foregoing statement of purpose of such proposed amendment to the Attorney General of the State of Michigan for his/her approval, to the extent required by law.
3. 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.
4. 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.
5. 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: Marshall, Shumway, Dittmar, Walker, Murphy (5)

NAYS: None (0)

Council Comments

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

There being no further business to come before the City Council, this November 18, 2019, meeting of the City Council adjourned at 9:20 P.M.

John Murphy, Mayor

Alan Terry, Clerk-Treasurer

GL Period	Check Issue Date	Check Number	Payee	Invoice GL Account	Check Amount
11/19	11/26/2019	87120	Sadjak Contractor	247-751-802.000	284,417.68- V
11/19	11/20/2019	87141	Aflac	701-000-230.180	728.62
11/19	11/20/2019	87142	Airgas USA LLC	661-598-785.000	27.05
11/19	11/20/2019	87142	Airgas USA LLC	661-598-785.000	54.84
11/19	11/20/2019	87143	Alliance Entertainment	271-790-761.100	88.47
11/19	11/20/2019	87143	Alliance Entertainment	271-790-761.000	427.16
11/19	11/20/2019	87144	AMERICAN PUBLIC WORKS ASSOC.	582-593-802.000	400.00
11/19	11/20/2019	87145	AT&T	592-560-850.000	413.84
11/19	11/20/2019	87145	AT&T	592-558-920.000	203.20
11/19	11/20/2019	87146	AT&T LONG DISTANCE	101-345-850.000	22.77
11/19	11/20/2019	87147	Benchmark Engineering Inc.	592-549-802.000	1,989.60
11/19	11/20/2019	87147	Benchmark Engineering Inc.	582-593-802.000	1,989.60
11/19	11/20/2019	87147	Benchmark Engineering Inc.	592-560-802.000	1,989.60
11/19	11/20/2019	87147	Benchmark Engineering Inc.	204-481-802.000	1,989.70
11/19	11/20/2019	87148	Blue Care Network	101-172-724.000	1,171.68
11/19	11/20/2019	87148	Blue Care Network	101-201-724.000	1,033.84
11/19	11/20/2019	87148	Blue Care Network	101-208-724.000	516.92
11/19	11/20/2019	87148	Blue Care Network	101-215-724.000	344.61
11/19	11/20/2019	87148	Blue Care Network	101-265-724.000	310.15
11/19	11/20/2019	87148	Blue Care Network	101-268-724.000	361.84
11/19	11/20/2019	87148	Blue Care Network	101-345-724.000	11,854.69
11/19	11/20/2019	87148	Blue Care Network	101-400-724.000	551.38
11/19	11/20/2019	87148	Blue Care Network	101-441-724.000	1,447.38
11/19	11/20/2019	87148	Blue Care Network	101-754-724.000	465.23
11/19	11/20/2019	87148	Blue Care Network	101-756-724.000	1,275.07
11/19	11/20/2019	87148	Blue Care Network	101-770-724.000	2,239.98
11/19	11/20/2019	87148	Blue Care Network	101-773-724.000	351.50
11/19	11/20/2019	87148	Blue Care Network	101-789-724.000	716.79
11/19	11/20/2019	87148	Blue Care Network	271-790-724.000	2,205.52
11/19	11/20/2019	87148	Blue Care Network	514-587-724.000	344.61
11/19	11/20/2019	87148	Blue Care Network	582-588-724.000	3,583.97
11/19	11/20/2019	87148	Blue Care Network	592-549-724.000	2,929.21
11/19	11/20/2019	87148	Blue Care Network	592-560-724.000	1,033.84
11/19	11/20/2019	87149	BLUE CROSS\BLUE SHIELD - MICH.	101-201-724.000	2,906.30
11/19	11/20/2019	87149	BLUE CROSS\BLUE SHIELD - MICH.	101-208-724.000	181.64
11/19	11/20/2019	87149	BLUE CROSS\BLUE SHIELD - MICH.	101-265-724.000	155.21
11/19	11/20/2019	87149	BLUE CROSS\BLUE SHIELD - MICH.	101-268-724.000	620.85
11/19	11/20/2019	87149	BLUE CROSS\BLUE SHIELD - MICH.	101-345-724.000	5,013.36
11/19	11/20/2019	87149	BLUE CROSS\BLUE SHIELD - MICH.	101-441-724.000	1,453.15
11/19	11/20/2019	87149	BLUE CROSS\BLUE SHIELD - MICH.	204-481-724.000	2,688.33
11/19	11/20/2019	87149	BLUE CROSS\BLUE SHIELD - MICH.	271-790-724.000	1,980.09
11/19	11/20/2019	87149	BLUE CROSS\BLUE SHIELD - MICH.	592-549-724.000	1,271.51
11/19	11/20/2019	87149	BLUE CROSS\BLUE SHIELD - MICH.	592-560-724.000	363.29
11/19	11/20/2019	87150	Bobcat of Lansing	661-598-931.000	75.75
11/19	11/20/2019	87150	Bobcat of Lansing	661-598-931.000	742.07
11/19	11/20/2019	87150	Bobcat of Lansing	661-598-931.000	241.82
11/19	11/20/2019	87151	Cadillac Culvert Inc.	592-025-343.000	2,947.00
11/19	11/20/2019	87152	CCP Industries Inc.	204-481-767.000	55.11
11/19	11/20/2019	87152	CCP Industries Inc.	661-598-767.000	27.55
11/19	11/20/2019	87152	CCP Industries Inc.	592-560-767.000	27.56
11/19	11/20/2019	87152	CCP Industries Inc.	204-481-767.000	109.00
11/19	11/20/2019	87152	CCP Industries Inc.	661-598-767.000	55.30
11/19	11/20/2019	87152	CCP Industries Inc.	592-560-767.000	55.33
11/19	11/20/2019	87153	CDW Government	101-228-775.000	1,185.00
11/19	11/20/2019	87154	Cintas Corp #729	204-481-767.000	172.00
11/19	11/20/2019	87154	Cintas Corp #729	582-588-767.000	60.24

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11/19	11/20/2019	87154	Cintas Corp #729	592-560-767.000	30.89
11/19	11/20/2019	87154	Cintas Corp #729	592-549-767.000	30.90
11/19	11/20/2019	87154	Cintas Corp #729	582-593-930.000	31.27
11/19	11/20/2019	87154	Cintas Corp #729	204-481-767.000	60.04
11/19	11/20/2019	87154	Cintas Corp #729	582-588-767.000	60.25
11/19	11/20/2019	87154	Cintas Corp #729	592-560-767.000	30.89
11/19	11/20/2019	87154	Cintas Corp #729	592-549-767.000	30.89
11/19	11/20/2019	87154	Cintas Corp #729	101-268-802.000	15.54
11/19	11/20/2019	87154	Cintas Corp #729	592-554-802.000	45.45
11/19	11/20/2019	87154	Cintas Corp #729	582-588-912.000	1,011.86
11/19	11/20/2019	87154	Cintas Corp #729	592-549-915.000	1,011.87
11/19	11/20/2019	87154	Cintas Corp #729	204-481-912.000	1,011.87
11/19	11/20/2019	87155	CITY OF PETOSKEY - DMB	271-790-958.000	50.00
11/19	11/20/2019	87156	Consumers Energy	592-538-920.000	4,111.48
11/19	11/20/2019	87156	Consumers Energy	592-558-920.000	37.88
11/19	11/20/2019	87156	Consumers Energy	592-558-920.000	98.25
11/19	11/20/2019	87156	Consumers Energy	592-558-920.000	558.01
11/19	11/20/2019	87156	Consumers Energy	592-558-920.000	82.17
11/19	11/20/2019	87156	Consumers Energy	592-558-920.000	212.98
11/19	11/20/2019	87156	Consumers Energy	592-558-920.000	55.85
11/19	11/20/2019	87156	Consumers Energy	592-558-920.000	178.95
11/19	11/20/2019	87156	Consumers Energy	202-475-920.000	89.46
11/19	11/20/2019	87156	Consumers Energy	592-558-920.000	42.94
11/19	11/20/2019	87156	Consumers Energy	592-558-920.000	285.87
11/19	11/20/2019	87157	Crooked Tree Arts Center	271-790-880.000	500.00
11/19	11/20/2019	87158	CynergyComm.net Inc.	271-790-850.000	262.62
11/19	11/20/2019	87159	Delta Dental	101-172-724.000	49.38
11/19	11/20/2019	87159	Delta Dental	101-201-724.000	237.08
11/19	11/20/2019	87159	Delta Dental	101-208-724.000	40.29
11/19	11/20/2019	87159	Delta Dental	101-215-724.000	1.02
11/19	11/20/2019	87159	Delta Dental	101-265-724.000	23.52
11/19	11/20/2019	87159	Delta Dental	101-268-724.000	47.29
11/19	11/20/2019	87159	Delta Dental	101-345-724.000	861.03
11/19	11/20/2019	87159	Delta Dental	101-400-724.000	31.47
11/19	11/20/2019	87159	Delta Dental	101-754-724.000	24.59
11/19	11/20/2019	87159	Delta Dental	101-441-724.000	181.06
11/19	11/20/2019	87159	Delta Dental	101-756-724.000	73.49
11/19	11/20/2019	87159	Delta Dental	101-770-724.000	121.45
11/19	11/20/2019	87159	Delta Dental	101-773-724.000	15.81
11/19	11/20/2019	87159	Delta Dental	101-789-724.000	31.65
11/19	11/20/2019	87159	Delta Dental	204-481-724.000	129.95
11/19	11/20/2019	87159	Delta Dental	271-790-724.000	215.07
11/19	11/20/2019	87159	Delta Dental	514-587-724.000	17.45
11/19	11/20/2019	87159	Delta Dental	582-588-724.000	179.61
11/19	11/20/2019	87159	Delta Dental	592-549-724.000	230.70
11/19	11/20/2019	87159	Delta Dental	592-560-724.000	74.12
11/19	11/20/2019	87159	Delta Dental	701-000-230.110	1,404.32
11/19	11/20/2019	87160	Derrer Oil Co.	661-598-759.000	2,397.93
11/19	11/20/2019	87161	Drost Landscape	204-470-802.000	645.00
11/19	11/20/2019	87162	Dunkel Excavating Services Inc.	592-025-343.000	32,754.65
11/19	11/20/2019	87162	Dunkel Excavating Services Inc.	582-020-360.000	11,994.11
11/19	11/20/2019	87163	Dunn's Business Solutions	204-481-751.000	20.39
11/19	11/20/2019	87163	Dunn's Business Solutions	582-593-751.000	20.39
11/19	11/20/2019	87163	Dunn's Business Solutions	582-588-751.000	20.39
11/19	11/20/2019	87163	Dunn's Business Solutions	592-549-751.000	20.39
11/19	11/20/2019	87163	Dunn's Business Solutions	592-560-751.000	20.40

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11/19	11/20/2019	87163	Dunn's Business Solutions	661-598-751.000	20.40
11/19	11/20/2019	87163	Dunn's Business Solutions	101-268-775.000	85.54
11/19	11/20/2019	87164	Englebrecht, Robert	101-257-802.100	3,750.00
11/19	11/20/2019	87165	Fastenal Company	202-475-775.000	74.39
11/19	11/20/2019	87165	Fastenal Company	203-475-775.000	74.39
11/19	11/20/2019	87165	Fastenal Company	202-475-775.000	20.83
11/19	11/20/2019	87165	Fastenal Company	203-475-775.000	20.83
11/19	11/20/2019	87166	Gale/Cengage Learning	271-790-760.000	111.96
11/19	11/20/2019	87166	Gale/Cengage Learning	271-790-760.000	89.57
11/19	11/20/2019	87166	Gale/Cengage Learning	271-790-760.000	53.58
11/19	11/20/2019	87167	Gibby's Garage	661-598-931.000	204.00
11/19	11/20/2019	87167	Gibby's Garage	661-598-932.000	850.00
11/19	11/20/2019	87167	Gibby's Garage	582-593-930.000	68.00
11/19	11/20/2019	87167	Gibby's Garage	661-598-931.000	408.00
11/19	11/20/2019	87167	Gibby's Garage	661-598-932.000	306.00
11/19	11/20/2019	87167	Gibby's Garage	514-587-931.000	68.00
11/19	11/20/2019	87167	Gibby's Garage	582-593-930.000	34.00
11/19	11/20/2019	87167	Gibby's Garage	661-598-931.000	476.00
11/19	11/20/2019	87167	Gibby's Garage	661-598-932.000	306.00
11/19	11/20/2019	87167	Gibby's Garage	514-587-931.000	34.00
11/19	11/20/2019	87167	Gibby's Garage	661-598-932.000	476.00
11/19	11/20/2019	87167	Gibby's Garage	582-593-930.000	68.00
11/19	11/20/2019	87168	Great Lakes Energy	592-538-920.000	66.62
11/19	11/20/2019	87168	Great Lakes Energy	592-558-920.000	137.35
11/19	11/20/2019	87168	Great Lakes Energy	101-345-920.100	448.29
11/19	11/20/2019	87168	Great Lakes Energy	592-538-920.000	262.21
11/19	11/20/2019	87168	Great Lakes Energy	592-558-920.000	121.78
11/19	11/20/2019	87169	Hyde Services LLC	661-598-932.000	265.05
11/19	11/20/2019	87170	Jerry's Garage	661-598-932.000	62.00
11/19	11/20/2019	87170	Jerry's Garage	661-598-932.000	62.00
11/19	11/20/2019	87171	Krecke, Paul	514-587-885.000	5,000.00
11/19	11/20/2019	87172	Lowery Underground Service	582-020-360.000	300.00
11/19	11/20/2019	87173	MDC CONTRACTING LLC	592-025-343.000	920.00
11/19	11/20/2019	87173	MDC CONTRACTING LLC	582-020-360.000	920.00
11/19	11/20/2019	87174	Michigan Officeways Inc.	271-790-751.000	113.00
11/19	11/20/2019	87175	MICHIGAN PIPE & VALVE	204-010-111.000	592.80
11/19	11/20/2019	87175	MICHIGAN PIPE & VALVE	592-025-343.000	6,320.00
11/19	11/20/2019	87176	Midwest Tape	271-790-761.100	76.98
11/19	11/20/2019	87176	Midwest Tape	271-790-761.000	109.97
11/19	11/20/2019	87176	Midwest Tape	271-790-761.000	104.97
11/19	11/20/2019	87176	Midwest Tape	271-790-761.000	19.49
11/19	11/20/2019	87176	Midwest Tape	271-790-761.000	39.98
11/19	11/20/2019	87177	MONTMORENCY COUNTY PUBLIC	271-790-955.000	24.99
11/19	11/20/2019	87178	North Central Laboratories	592-553-775.000	1,245.00
11/19	11/20/2019	87179	North Country IT	271-790-802.000	386.00
11/19	11/20/2019	87180	OHM Advisors	202-477-802.000	282.50
11/19	11/20/2019	87181	Overdrive Inc.	271-790-762.000	296.57
11/19	11/20/2019	87181	Overdrive Inc.	271-790-762.000	500.00
11/19	11/20/2019	87182	Plunkett Cooney	101-266-802.000	150.89
11/19	11/20/2019	87182	Plunkett Cooney	204-481-802.000	150.89
11/19	11/20/2019	87182	Plunkett Cooney	582-588-802.000	150.89
11/19	11/20/2019	87182	Plunkett Cooney	592-549-802.000	150.89
11/19	11/20/2019	87182	Plunkett Cooney	592-560-802.000	150.89
11/19	11/20/2019	87182	Plunkett Cooney	101-266-802.000	1,640.55
11/19	11/20/2019	87183	Power Line Supply	582-010-111.000	205.00
11/19	11/20/2019	87183	Power Line Supply	582-010-111.000	1,596.90

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11/19	11/20/2019	87183	Power Line Supply	582-586-775.000	80.00
11/19	11/20/2019	87183	Power Line Supply	582-010-111.000	205.00
11/19	11/20/2019	87184	Proclean North	582-593-930.000	1,529.50
11/19	11/20/2019	87185	Range Telecommunications	204-481-850.000	60.00
11/19	11/20/2019	87185	Range Telecommunications	101-756-850.000	35.00
11/19	11/20/2019	87185	Range Telecommunications	582-593-850.000	75.00
11/19	11/20/2019	87185	Range Telecommunications	592-549-850.000	52.20
11/19	11/20/2019	87185	Range Telecommunications	592-560-850.000	52.20
11/19	11/20/2019	87185	Range Telecommunications	661-598-850.000	25.00
11/19	11/20/2019	87186	Renkes, Tom	248-739-880.200	150.00
11/19	11/20/2019	87187	Rieth-Riley Construction Co	592-544-802.000	132.66
11/19	11/20/2019	87188	Royal Tire	661-598-931.000	20.00
11/19	11/20/2019	87189	Scholastic Inc.	271-790-958.100	104.05
11/19	11/20/2019	87190	Spartan Distributors Inc.	661-598-931.000	129.91
11/19	11/20/2019	87191	Spectrum Business	101-172-850.000	125.70
11/19	11/20/2019	87191	Spectrum Business	101-201-850.000	67.05
11/19	11/20/2019	87191	Spectrum Business	101-208-850.000	41.91
11/19	11/20/2019	87191	Spectrum Business	101-257-850.000	41.91
11/19	11/20/2019	87191	Spectrum Business	101-215-850.000	33.53
11/19	11/20/2019	87191	Spectrum Business	101-345-850.000	92.20
11/19	11/20/2019	87191	Spectrum Business	101-400-850.000	41.91
11/19	11/20/2019	87191	Spectrum Business	101-441-850.000	75.44
11/19	11/20/2019	87191	Spectrum Business	101-756-850.000	50.29
11/19	11/20/2019	87191	Spectrum Business	204-481-850.000	25.15
11/19	11/20/2019	87191	Spectrum Business	204-481-850.000	25.15
11/19	11/20/2019	87191	Spectrum Business	582-588-850.000	83.82
11/19	11/20/2019	87191	Spectrum Business	582-593-850.000	33.53
11/19	11/20/2019	87191	Spectrum Business	592-549-850.000	50.29
11/19	11/20/2019	87191	Spectrum Business	592-560-850.000	50.29
11/19	11/20/2019	87191	Spectrum Business	101-770-850.000	124.98
11/19	11/20/2019	87191	Spectrum Business	582-593-850.000	35.36
11/19	11/20/2019	87191	Spectrum Business	101-345-850.000	60.99
11/19	11/20/2019	87192	Spok	204-481-850.000	4.78
11/19	11/20/2019	87192	Spok	582-588-850.000	4.78
11/19	11/20/2019	87192	Spok	592-560-850.000	4.78
11/19	11/20/2019	87192	Spok	661-598-850.000	4.78
11/19	11/20/2019	87192	Spok	592-549-850.000	4.78
11/19	11/20/2019	87193	Staples Advantage	101-201-751.000	75.99
11/19	11/20/2019	87193	Staples Advantage	592-560-751.000	3.98
11/19	11/20/2019	87193	Staples Advantage	204-481-751.000	13.22
11/19	11/20/2019	87193	Staples Advantage	101-441-751.000	6.66
11/19	11/20/2019	87193	Staples Advantage	101-345-751.000	38.99
11/19	11/20/2019	87193	Staples Advantage	582-588-751.000	7.86
11/19	11/20/2019	87193	Staples Advantage	101-268-775.000	63.95
11/19	11/20/2019	87193	Staples Advantage	101-201-751.000	28.68
11/19	11/20/2019	87194	STATE OF MICHIGAN DEPT. OF ENVIRON.	592-549-802.000	3,181.02
11/19	11/20/2019	87195	Tetra Tech Inc	101-526-801.000	336.50
11/19	11/20/2019	87195	Tetra Tech Inc	592-560-802.000	2,320.00
11/19	11/20/2019	87195	Tetra Tech Inc	592-542-802.000	797.50
11/19	11/20/2019	87196	Trophy Case, The	271-790-751.000	24.00
11/19	11/20/2019	87197	Truck & Trailer Specialties	661-598-931.000	107.50
11/19	11/20/2019	87197	Truck & Trailer Specialties	661-598-931.000	356.74-
11/19	11/20/2019	87197	Truck & Trailer Specialties	661-598-932.000	89.46
11/19	11/20/2019	87197	Truck & Trailer Specialties	661-598-932.000	56.74
11/19	11/20/2019	87197	Truck & Trailer Specialties	661-598-932.000	203.00
11/19	11/20/2019	87197	Truck & Trailer Specialties	661-598-931.000	6,162.50

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11/19	11/20/2019	87198	Unique Paving Materials Corp.	204-010-111.000	5,590.47
11/19	11/20/2019	87199	Up North Service LLC	514-587-802.000	1,387.50
11/19	11/20/2019	87200	USA Blue Book	592-545-775.000	77.80
11/19	11/20/2019	87201	Verizon Wireless	101-345-850.000	81.04
11/19	11/20/2019	87201	Verizon Wireless	592-538-850.000	80.20
11/19	11/20/2019	87201	Verizon Wireless	101-345-850.000	49.11
11/19	11/20/2019	87201	Verizon Wireless	592-549-850.000	1.02
11/19	11/20/2019	87201	Verizon Wireless	582-588-850.000	6.39
11/19	11/20/2019	87201	Verizon Wireless	101-345-850.000	36.01
11/19	11/20/2019	87201	Verizon Wireless	101-770-850.000	36.01
11/19	11/20/2019	87201	Verizon Wireless	101-773-850.000	13.44-
11/19	11/20/2019	87201	Verizon Wireless	101-789-850.000	25.68-
11/19	11/20/2019	87201	Verizon Wireless	101-345-850.000	144.04
11/19	11/20/2019	87201	Verizon Wireless	592-538-920.000	280.05
11/19	11/20/2019	87202	Voss Lighting	582-590-775.000	146.00
11/19	11/27/2019	87213	24/7 Sewer & Drain Cleaning	271-790-930.000	205.00
11/19	11/27/2019	87214	ACH-CHILD SUPPORT	701-000-230.160	160.23
11/19	11/27/2019	87215	ACH-EFTPS	701-000-230.100	19,338.96
11/19	11/27/2019	87215	ACH-EFTPS	701-000-230.200	12,125.12
11/19	11/27/2019	87215	ACH-EFTPS	701-000-230.200	12,125.12
11/19	11/27/2019	87215	ACH-EFTPS	701-000-230.200	2,835.72
11/19	11/27/2019	87215	ACH-EFTPS	701-000-230.200	2,835.72
11/19	11/27/2019	87216	ACH-ICMA 457	701-000-230.700	1,988.49
11/19	11/27/2019	87216	ACH-ICMA 457	701-000-230.700	6,049.23
11/19	11/27/2019	87217	Amazon Credit Plan	582-588-785.000	41.98
11/19	11/27/2019	87217	Amazon Credit Plan	582-584-775.000	173.98
11/19	11/27/2019	87217	Amazon Credit Plan	592-560-751.000	84.00
11/19	11/27/2019	87217	Amazon Credit Plan	271-790-760.000	31.95
11/19	11/27/2019	87217	Amazon Credit Plan	271-790-751.000	62.69
11/19	11/27/2019	87217	Amazon Credit Plan	271-790-958.200	91.19
11/19	11/27/2019	87217	Amazon Credit Plan	271-790-964.000	23.95
11/19	11/27/2019	87217	Amazon Credit Plan	271-790-761.200	33.84
11/19	11/27/2019	87218	American Waste	582-586-802.000	403.50
11/19	11/27/2019	87218	American Waste	582-593-930.000	100.00
11/19	11/27/2019	87218	American Waste	582-593-930.000	170.00
11/19	11/27/2019	87218	American Waste	592-551-806.000	325.00
11/19	11/27/2019	87218	American Waste	101-773-802.000	165.00
11/19	11/27/2019	87218	American Waste	101-265-802.000	165.00
11/19	11/27/2019	87218	American Waste	101-770-802.000	165.00
11/19	11/27/2019	87218	American Waste	101-754-802.000	165.00
11/19	11/27/2019	87218	American Waste	101-773-802.000	128.33-
11/19	11/27/2019	87218	American Waste	101-265-802.000	128.33-
11/19	11/27/2019	87218	American Waste	101-770-802.000	128.33-
11/19	11/27/2019	87218	American Waste	101-754-802.000	128.32-
11/19	11/27/2019	87219	AT&T	592-538-850.000	212.42
11/19	11/27/2019	87220	Baird & Associates Ltd., W.F.	247-751-802.000	4,000.00
11/19	11/27/2019	87221	Ballard's Plumbing & Heating	101-770-931.000	620.76
11/19	11/27/2019	87222	Bek, Sarah	101-172-860.000	26.15
11/19	11/27/2019	87223	BOYNE CITY TIRE & BRAKE	661-598-932.000	672.00
11/19	11/27/2019	87223	BOYNE CITY TIRE & BRAKE	661-598-932.000	528.28
11/19	11/27/2019	87224	Char-Em United Way	701-000-230.800	81.75
11/19	11/27/2019	87225	City of Petoskey	271-790-880.000	175.00
11/19	11/27/2019	87226	David L Hoffman Landscaping & Nursery	101-770-802.000	1,111.50
11/19	11/27/2019	87227	Demco	271-790-751.000	141.18
11/19	11/27/2019	87228	Derrer Oil Co.	661-598-759.000	2,557.96
11/19	11/27/2019	87228	Derrer Oil Co.	661-598-759.000	1,290.52

GL Period	Check Issue Date	Check Number	Payee	Invoice GL Account	Check Amount
11/19	11/27/2019	87229	Dinges Fire Company	661-020-142.000	472.27
11/19	11/27/2019	87229	Dinges Fire Company	661-020-142.000	472.28
11/19	11/27/2019	87230	Dornbos Sign Inc.	202-475-775.000	147.00
11/19	11/27/2019	87230	Dornbos Sign Inc.	101-770-775.000	244.77
11/19	11/27/2019	87231	Drost Landscape	247-751-802.000	155.00
11/19	11/27/2019	87231	Drost Landscape	101-754-802.100	1,705.06
11/19	11/27/2019	87232	DTE Energy	101-265-924.000	418.60
11/19	11/27/2019	87232	DTE Energy	582-593-924.000	1,052.90
11/19	11/27/2019	87232	DTE Energy	101-773-924.000	42.33
11/19	11/27/2019	87232	DTE Energy	101-265-924.000	148.16
11/19	11/27/2019	87232	DTE Energy	592-538-920.000	39.05
11/19	11/27/2019	87232	DTE Energy	271-790-924.000	655.07
11/19	11/27/2019	87232	DTE Energy	101-345-920.100	756.99
11/19	11/27/2019	87232	DTE Energy	101-268-924.000	90.67
11/19	11/27/2019	87232	DTE Energy	101-770-924.000	184.08
11/19	11/27/2019	87232	DTE Energy	592-558-920.000	56.47
11/19	11/27/2019	87232	DTE Energy	514-587-802.100	85.45
11/19	11/27/2019	87232	DTE Energy	592-551-920.000	1,133.91
11/19	11/27/2019	87232	DTE Energy	592-551-920.000	1,987.05
11/19	11/27/2019	87232	DTE Energy	271-790-924.000	316.70
11/19	11/27/2019	87232	DTE Energy	592-538-920.000	47.55
11/19	11/27/2019	87232	DTE Energy	592-555-920.000	37.11
11/19	11/27/2019	87232	DTE Energy	592-538-920.000	134.44
11/19	11/27/2019	87232	DTE Energy	101-345-920.000	687.09
11/19	11/27/2019	87233	Dunkel Excavating Services Inc.	592-025-343.000	20,626.11
11/19	11/27/2019	87233	Dunkel Excavating Services Inc.	582-020-360.000	9,520.80
11/19	11/27/2019	87234	FEDEX	101-262-751.000	68.92
11/19	11/27/2019	87235	Five Star Screen Printing Plus	101-756-808.110	3,102.00
11/19	11/27/2019	87235	Five Star Screen Printing Plus	101-756-767.000	120.00
11/19	11/27/2019	87236	Gruler's Farm Supply Inc.	101-268-775.000	79.92
11/19	11/27/2019	87236	Gruler's Farm Supply Inc.	592-551-775.000	59.96
11/19	11/27/2019	87237	Haley's Plumbing & Heating	101-770-802.000	189.75
11/19	11/27/2019	87238	Home Depot	101-268-970.000	12,283.09
11/19	11/27/2019	87238	Home Depot	101-268-970.000	12,283.09- V
11/19	11/27/2019	87239	ICMA-ROTH	701-000-230.900	560.00
11/19	11/27/2019	87240	K & J Septic Service LLC	101-770-802.000	320.00
11/19	11/27/2019	87241	LexisNexis Risk Data Management Inc.	101-208-802.000	150.00
11/19	11/27/2019	87242	Lowery Underground Service	101-770-802.000	2,650.00
11/19	11/27/2019	87243	McLaren Northern Mich Hospital	101-345-802.000	17.68
11/19	11/27/2019	87243	McLaren Northern Mich Hospital	101-345-802.000	17.68
11/19	11/27/2019	87243	McLaren Northern Mich Hospital	101-345-802.000	17.68
11/19	11/27/2019	87244	Meyer Ace Hardware	271-790-752.000	11.86
11/19	11/27/2019	87244	Meyer Ace Hardware	514-587-775.000	2.50
11/19	11/27/2019	87244	Meyer Ace Hardware	592-544-775.000	15.29
11/19	11/27/2019	87244	Meyer Ace Hardware	592-544-775.000	11.69
11/19	11/27/2019	87244	Meyer Ace Hardware	592-547-775.000	17.22
11/19	11/27/2019	87244	Meyer Ace Hardware	271-790-752.000	21.56
11/19	11/27/2019	87244	Meyer Ace Hardware	101-789-775.000	20.84
11/19	11/27/2019	87244	Meyer Ace Hardware	101-789-775.000	15.44
11/19	11/27/2019	87244	Meyer Ace Hardware	271-790-752.000	18.34-
11/19	11/27/2019	87244	Meyer Ace Hardware	592-554-775.000	71.99
11/19	11/27/2019	87244	Meyer Ace Hardware	101-770-775.000	7.19
11/19	11/27/2019	87244	Meyer Ace Hardware	101-268-775.000	31.48
11/19	11/27/2019	87244	Meyer Ace Hardware	661-598-785.000	65.29
11/19	11/27/2019	87244	Meyer Ace Hardware	101-268-775.000	21.57
11/19	11/27/2019	87244	Meyer Ace Hardware	271-790-752.000	50.36

GL Period	Check Issue Date	Check Number	Payee	Invoice GL Account	Check Amount
11/19	11/27/2019	87244	Meyer Ace Hardware	271-790-958.100	4.13
11/19	11/27/2019	87244	Meyer Ace Hardware	248-540-882.160	49.08
11/19	11/27/2019	87244	Meyer Ace Hardware	101-770-775.000	25.48
11/19	11/27/2019	87244	Meyer Ace Hardware	592-545-775.000	6.29
11/19	11/27/2019	87244	Meyer Ace Hardware	514-587-802.100	14.38
11/19	11/27/2019	87244	Meyer Ace Hardware	248-540-882.160	22.49
11/19	11/27/2019	87244	Meyer Ace Hardware	101-268-775.000	.44
11/19	11/27/2019	87244	Meyer Ace Hardware	514-587-802.100	9.52
11/19	11/27/2019	87244	Meyer Ace Hardware	101-770-775.000	13.49
11/19	11/27/2019	87244	Meyer Ace Hardware	592-547-775.000	25.07
11/19	11/27/2019	87244	Meyer Ace Hardware	592-554-775.000	5.38
11/19	11/27/2019	87244	Meyer Ace Hardware	101-268-775.000	2.38
11/19	11/27/2019	87244	Meyer Ace Hardware	592-554-775.000	143.98
11/19	11/27/2019	87245	Michigan Government Finance	101-215-915.000	125.00
11/19	11/27/2019	87246	Michigan State Fireman's Assoc.	101-345-915.000	75.00
11/19	11/27/2019	87247	Midwest Arborist Supplies	101-770-775.000	295.35
11/19	11/27/2019	87248	Mountaintop Tree Company	101-754-802.100	2,520.00
11/19	11/27/2019	87248	Mountaintop Tree Company	204-470-802.000	45.00
11/19	11/27/2019	87249	Omnipark Inc.	514-587-775.000	89.00
11/19	11/27/2019	87250	Print Shop, The	514-587-775.000	162.00
11/19	11/27/2019	87251	Rooftop Landing Reindeer Farm	248-540-882.200	1,400.00
11/19	11/27/2019	87252	Sadjak Contractor	247-751-802.000	284,417.68
11/19	11/27/2019	87253	Skip's Petoskey Glass Inc.	101-268-970.000	2,879.84
11/19	11/27/2019	87254	Spectrum Business	514-587-802.100	120.55
11/19	11/27/2019	87254	Spectrum Business	101-345-850.100	173.60
11/19	11/27/2019	87254	Spectrum Business	101-770-850.000	99.98
11/19	11/27/2019	87255	Struble, Chris	248-540-882.180	330.00
11/19	11/27/2019	87256	Summit Companies	271-790-930.000	495.00
11/19	11/27/2019	87256	Summit Companies	271-790-931.000	75.80
11/19	11/27/2019	87257	Sweetwater Catering Company	101-262-802.000	765.00
11/19	11/27/2019	87258	Thru Glass Window Cleaning	514-587-802.100	25.00
11/19	11/27/2019	87259	Tweeten, Amy	101-400-912.000	241.28
11/19	11/27/2019	87260	UpNorth Fire & Safety LLC	101-345-802.000	255.00
11/19	11/27/2019	87261	VSP	101-172-724.000	27.11
11/19	11/27/2019	87261	VSP	101-201-724.000	109.54
11/19	11/27/2019	87261	VSP	101-208-724.000	20.05
11/19	11/27/2019	87261	VSP	101-215-724.000	40.09
11/19	11/27/2019	87261	VSP	101-265-724.000	12.08
11/19	11/27/2019	87261	VSP	101-268-724.000	23.52
11/19	11/27/2019	87261	VSP	101-345-724.000	452.29
11/19	11/27/2019	87261	VSP	101-400-724.000	16.60
11/19	11/27/2019	87261	VSP	101-441-724.000	81.19
11/19	11/27/2019	87261	VSP	101-754-724.000	13.35
11/19	11/27/2019	87261	VSP	101-756-724.000	36.87
11/19	11/27/2019	87261	VSP	101-770-724.000	65.78
11/19	11/27/2019	87261	VSP	101-773-724.000	8.13
11/19	11/27/2019	87261	VSP	101-789-724.000	15.76
11/19	11/27/2019	87261	VSP	204-481-724.000	67.20
11/19	11/27/2019	87261	VSP	271-790-724.000	118.02
11/19	11/27/2019	87261	VSP	514-587-724.000	10.73
11/19	11/27/2019	87261	VSP	582-588-724.000	107.29
11/19	11/27/2019	87261	VSP	592-549-724.000	118.86
11/19	11/27/2019	87261	VSP	592-560-724.000	40.09
11/19	11/27/2019	87262	Home Depot	101-268-970.000	11,535.48
11/19	11/27/2019	87263	Dearborn Life Insurance Co	701-000-230.190	1,947.96
11/19	11/27/2019	87263	Dearborn Life Insurance Co	101-172-724.000	19.16

GL Period	Check Issue Date	Check Number	Payee	Invoice GL Account	Check Amount
11/19	11/27/2019	87263	Dearborn Life Insurance Co	101-201-724.000	44.89
11/19	11/27/2019	87263	Dearborn Life Insurance Co	101-208-724.000	19.16
11/19	11/27/2019	87263	Dearborn Life Insurance Co	101-215-724.000	21.35
11/19	11/27/2019	87263	Dearborn Life Insurance Co	101-265-724.000	4.79
11/19	11/27/2019	87263	Dearborn Life Insurance Co	101-268-724.000	11.98
11/19	11/27/2019	87263	Dearborn Life Insurance Co	101-345-724.000	523.32
11/19	11/27/2019	87263	Dearborn Life Insurance Co	101-400-724.000	11.50
11/19	11/27/2019	87263	Dearborn Life Insurance Co	101-441-724.000	32.57
11/19	11/27/2019	87263	Dearborn Life Insurance Co	101-754-724.000	5.27
11/19	11/27/2019	87263	Dearborn Life Insurance Co	101-756-724.000	16.29
11/19	11/27/2019	87263	Dearborn Life Insurance Co	101-770-724.000	35.45
11/19	11/27/2019	87263	Dearborn Life Insurance Co	101-773-724.000	5.75
11/19	11/27/2019	87263	Dearborn Life Insurance Co	101-789-724.000	10.54
11/19	11/27/2019	87263	Dearborn Life Insurance Co	204-481-724.000	66.24
11/19	11/27/2019	87263	Dearborn Life Insurance Co	271-790-724.000	69.25
11/19	11/27/2019	87263	Dearborn Life Insurance Co	514-587-724.000	13.61
11/19	11/27/2019	87263	Dearborn Life Insurance Co	582-588-724.000	54.13
11/19	11/27/2019	87263	Dearborn Life Insurance Co	592-549-724.000	59.67
11/19	11/27/2019	87263	Dearborn Life Insurance Co	592-560-724.000	19.16
11/19	11/27/2019	87264	Home Depot	101-268-970.000	12,283.09
11/19	11/27/2019	87264	Home Depot	101-268-970.000	12,283.09- V
Grand Totals:					<u>328,610.39</u>

Report Criteria:

Check.Date = 11/14/2019-11/27/2019

Check Number	Date	Name	GL Account	Amount
86943	11/25/2019	Emmanuel Episcopal Church	101087654000	50.00-
87203	11/27/2019	Allumi, Matthew	582040285000	9.31
87204	11/27/2019	Erskine, Jill	582040285000	13.31
87205	11/27/2019	Etheridge, Dawn	582081642300	79.48
87206	11/27/2019	Heather Sharpe & Derreck Terrill	582040285000	37.37
87207	11/27/2019	Hillside Club Apts	582081642300	6.17
87207	11/27/2019	Hillside Club Apts	582081642300	8.98
87207	11/27/2019	Hillside Club Apts	582081642300	18.92
87207	11/27/2019	Hillside Club Apts	582081642300	.51
87207	11/27/2019	Hillside Club Apts	582081642300	23.45
87207	11/27/2019	Hillside Club Apts	582081642300	10.46
87208	11/27/2019	Inter-Tribal Council of MI	701040274000	500.00
87209	11/27/2019	Lemond, Kleigh	582040285000	33.30
87210	11/27/2019	Masonheimer, Joshua	582081642300	34.35
87211	11/27/2019	McNamara, Mike	582081642300	62.64
87212	11/27/2019	Ruth, Timothy	582040285000	11.72

Grand Totals:

799.97



BOARD: City Council

MEETING DATE: December 2, 2019

PREPARED: November 20, 2019

AGENDA SUBJECT: Second Reading of an Ordinance to Amend Sections 702(3) and 1909 of the Code of Ordinances, Appendix A – Zoning

RECOMMENDATION: That the City Council conduct a second reading and possible adoption of the enclosed proposed ordinance

Background The Planning Commission is recommending two house-keeping amendments to 702(3) Special Condition Uses in the RM-2 District and 1909 Planning Commission Approval.

Summary

Section 702(3)

The Planning Commission had recommended language changes to City Council for boarding house regulations that established occupancy limits through the number of bathrooms. City Council amended the language to put an occupancy limit of six (6) unrelated persons, which made the language on bathrooms inconsistent. The Planning Commission recommends this language be removed.

Boarding houses when located on a parcel of land not less than 7,200 square feet in area ~~with no less than one full bathroom for up to five occupants and an additional half bathroom provided for each additional two occupants or full bathroom for each additional four occupants.~~ Occupancy shall not exceed six persons per structure subject further to annual city licensing application for inspection and compliance with the International Property Maintenance Code (IPMC). No license shall be issued for a boarding house within 400 feet of an existing boarding house.

Section 1909

Currently, a site plan will expire after 6 months if a building permit has not been issued and construction commenced. The intent is clearly to have work proceed soon after site plan approval, however, there are often issues that arise after site plan approval-such as difficulty getting contractors to bid on the work, and our short construction season- that require many applicants to ask for extensions. Therefore, the Commission is recommending that approvals be granted for 18 months from the date approval is given.

Current language:

Any approval given by the Planning Commission, under which premises are not used or work is not started within six months or when such use or work has been abandoned for a period of six months, shall lapse and cease to be in effect.

Proposed language: Any approval given by the Planning Commission, under which premises are not used or construction has not started within eighteen (18) months, or when such use or work has been abandoned for a period of eighteen (18) months from the meeting date when approved, shall lapse and cease to be in effect and submittal of a new application and fee will be required.

Recommendation Staff recommends that City Council conduct a second reading and possible adoption of the enclosed proposed ordinance.

at
Enclosure

ORDINANCE NO. _____

AN ORDINANCE TO AMEND APPENDIX A OF THE PETOSKEY CODE OF ORDINANCES, ZONING ORDINANCE ARTICLE VII AND ARTICLE XIX

THE PETOSKEY CITY COUNCIL ORDAINS:

- 1. Appendix A, Article VII, Section 702 of the Petoskey Code of Ordinances is hereby repealed and replaced by the following:**

Sec. 702. - Principal uses permitted subject to special conditions.

3. Boarding houses when located on a parcel of land not less than 7,200 square feet in area. Occupancy shall not exceed six (6) persons per structure subject further to annual city licensing application for inspection and compliance with the International Property Maintenance Code (IPMC). No license shall be issued for a boarding house within 400 feet of an existing boarding house.

- 2. Appendix A, Article XIX Section 1909 of the Petoskey Code of Ordinances is hereby repealed and replaced by the following:**

In cases where the City Planning Commission is empowered to approve certain use of premises under the provisions of this ordinance the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Commission for the proper consideration of the matter.

The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may in its opinion be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.

The Planning Commission may impose such conditions or limitations in granting approval as may in its judgment be necessary to fulfill the spirit and purpose of this ordinance.

Any approval given by the Planning Commission, under which premises are not used or construction has not started within eighteen (18) months, or when such use or work has been abandoned for a period of eighteen (18) months from the meeting date when approved, shall lapse and cease to be in effect and submittal of a new application and fee will be required.

3. Conflicting Standards.

If any of the standards set forth in this amendment conflict with any other standards of previous or further ordinances or amendments, the stricter standards shall apply.

4. Repeal; Savings Clause.

All ordinances, resolutions, or orders, or parts thereof, in conflict with the provisions of this ordinance are, to the extent of such conflict, repealed.

5. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

6. Effect.

This ordinance shall take effect fifteen (15) days following its enactment and shall be published once within seven (7) days after its enactment as provided by Charter.

Adopted, enacted and ordained by the City of Petoskey City Council this _____ day of _____ 2019.

John Murphy
Its Mayor

Alan Terry
Its Clerk



City of Petoskey

Agenda Memo

BOARD: City Council

MEETING DATE: December 2, 2019

PREPARED: November 27, 2019

AGENDA SUBJECT: Initial Discussion on the 2019 Draft Action Plan

RECOMMENDATION: That the City Council discuss with direction to staff

Background On October 14, 2019 City Council and staff met to discuss an update to the 2018 Action Plan. Per the City Council's direction, staff has developed a draft revision to the Action Plan for discussion purposes.

Staff has included the current 2018 Action Plan and the draft update for the 2019 Action Plan for comparison purposes.

Action No formal action is needed at this point although specific input on the draft document is appreciated. City Council may want to direct staff to place the document on the City's website soliciting public comment. The draft Action Plan could be approved at City Council's discretion in December or early next year.

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Enclosures

**City of Petoskey
2019 Draft Action Plan**

Goal One Insure a Long-Term Sustainable City Budget

<u>Strategies</u>	<u>Responsibility</u>	<u>Notes</u>	<u>Estimated Timeline/ Status</u>
<u>Highest priority strategies</u>			
1. Create a parks/trails/shorelines and City buildings maintenance plan including cost estimates for repair and upkeep. Consider potential new revenue sources to be used to fund future maintenance and upkeep associated with parks/trails/shorelines and City buildings.	City Council City Manager Clerk-Treasurer Director of Parks and Recreation City Planner	<p>Over the past several decades, the City has constructed a comprehensive network of high quality community amenities leading to Petoskey's reputation as a premier northern Michigan community in which to live, work and recreate. Some of these amenities include a historic downtown, renovated City Hall, award-winning pedestrian/bicyclists trail system, Winter Sports Park, and City Marina. These valuable amenities are in need of on-going maintenance and repair in the coming years. To maintain the highest standards for our local infrastructure and community amenities an additional revenue source may need to be identified and pursued.</p> <p>City Council should consider a funding mechanism and work with Staff to pursue a long-range plan for funding maintenance and upkeep for City parks/trails/shorelines and buildings.</p>	A Capital Needs Assessment Study for Parks and Special Facilities has been included in the 2020 Budget. This will be completed in 2020.

<p>2. Achieve 90% funding for all employee divisions pertaining to the Michigan Municipal Employment Retirement System (MMERS) defined benefit plans. On an annual basis, review the MMERS Actuarial Valuation Report for funding levels to further reduce the Unfunded Accrued Liability (UAL). Identify options to further reduce the UAL until 90% funding is achieved.</p>	<p>City Council City Manager Clerk-Treasurer</p>	<p>Over the last 3-4 years, MMERS has made adjustments to mortality rates, amortization periods and the assumed rate of return on investments leading to substantial increases in annual defined benefit payments for the City.</p>	<p>Summer of each year.</p> <p>Status – City is making great strides in reducing the MMERS Unfunded Accrued Liability (UAL) through changes in the defined benefits program as well as substantial contributions towards the UAL over the last three years. A fourth \$1 million contribution is included in the 2020 Budget. According to the 2018 MMERS Actuarial Report, the current funding level is at 85%. Dependent upon the rate of return of MMERS investments in 2020, the additional \$1 million contribution could bring the funding levels to 90%. In 2015, the percent funded was at 73%.</p>
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Goal Two**Plan for New Infrastructure as well as Maintenance of Current Infrastructure to Accommodate the Future**

<u>Strategies</u>	<u>Responsibility</u>	<u>Notes</u>	<u>Estimated Timeline/ Status</u>
<u>Highest priority strategies</u>			
1. Identify and extend the Capital Improvement Plan (CIP), the long term infrastructure needs of city departments, indicating both new and replacement needs as well as long-term infrastructure maintenance requirements. Identify long-term capital replacement and maintenance needs for long-term planning.	City Council City Manager Director of Public Works Clerk-Treasurer Director of Parks and Recreation City Planner	Currently, City officials develop a six-year CIP annually for City Council's approval. Extending analysis an additional 10 years into the future may provide a clearer picture for City officials of the City's infrastructure needs over the long-term. A routine process has been developed whereby the CIP is publicly presented to the Planning Commission for their review and approval, and detailed public presentations are done for City Council on a project-by-project basis.	Status – The 2020-2025 Capital Improvement Plan (CIP) has been expanded to include "Projects/Capital Items Lacking Funding" that includes a backlog of maintenance items such as building repairs, new roofs, HVAC systems, etc.
2. Aggressively pursue grants to support specific infrastructure needs, including Bureau of Indian Affairs funding for streets where appropriate. Identify operation costs when applying for grants.	City Council City Manager Director of Public Works Clerk-Treasurer Director of Parks and Recreation City Planner	A master list of past awarded grants along with deadline dates assists Staff in maximizing grant dollars awarded to the City.	On-going

Goal Three**Diversify and Strengthen the City's Economic Base**

<u>Strategies</u>	<u>Responsibility</u>	<u>Notes</u>	<u>Estimated Timeline/ Status</u>
<u>Highest priority strategies</u>			
1. On an annual basis, review and assess the properties identified in the City's Redevelopment Ready Communities (RRC) Program for redevelopment viability. Redevelopment sites should focus mainly on City-owned properties or properties where the landowner is committed to redevelopment.	City Council City Manager City Planner	<p>Through the RRC Economic Development Plan, the City has identified three sites in which to focus economic redevelopment efforts. The sites include 200 East Lake Street, the Darling Lot and 900 Emmet Street.</p> <p>The City will consider not only the economic development viability for each site, but also whether economic development incentives included in the Economic Development Strategy are appropriate. City Council may revise the list of redevelopment sites accordingly.</p>	Starting in late 2019/early 2020 and each year thereafter.

Goal Four**Identify and Address Downtown Development Issues**

<u>Strategies</u>	<u>Responsibility</u>	<u>Notes</u>	<u>Estimated Timeline/ Status</u>
<u>Highest priority strategies</u>			
1. Using past studies and conceptual drawings on the Lake Street/Division Street parking lot as well as the Darling Lot Study completed in 2017, consider several specific strategies to increase parking in the downtown area. When planning downtown infrastructure projects, consider different street parking options to maximize downtown parking.	City Council City Manager City Planner Director of Public Works DMB Director	Focus is to increase the number of covered parking spots as well as optimize downtown street parking options.	2020-2021
2. Examine and remove to the extent feasible obstacles to upper floor downtown residential uses and other residential/commercial zoning districts.	City Council City Manager City Planner DMB	Developers have identified a lack of covered parking as a critical impediment to renovating second and third story floors in the downtown area for residential uses. Additionally, current height restrictions in the Emmet Street corridor area (RRC priority site) preclude developers from building a three-story mixed use development.	On-going

Goal Four**Identify and Address Downtown Development Issues Continued**

3. Expand the participation rate (currently 30%) of downtown businesses for the voluntary fire code self-inspection program using social media and the DMB's email data base.	City Council City Manager Public Safety Director DMB Director	Every other year Public Safety Officers visit all downtown commercial businesses regarding fire safety issues. Business owners are given a self-inspection fire safety check list form with approximately 30% of the forms returned to the City. The program is completely voluntary. Implementing a mandatory commercial fire inspection program would require additional staff and may not be politically supported by commercial businesses. Through educational efforts, City Staff will develop promotional items that emphasize the importance of fire code inspections for the overall safety of the entire downtown area. Social media including the Public Safety Department's Facebook page will be used to promote more participation for the building safety program.	On-going
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Goal Five**Develop and Promote Community Sustainability Measures Including the Transition to Renewable Energy Sources**

<u>Strategies</u>	<u>Responsibility</u>	<u>Notes</u>	<u>Estimated Timeline/ Status</u>
<u>Highest priority strategies</u>			
1. In 2020, pursue Gold Certification through the Michigan Municipal League's Michigan Green Community (MGC) Challenge Program. Maintain Gold Certification levels for future years.	City Council City Manager City Planner Director of Public Works Parks and Recreation Director	<p>The Michigan Green Communities Challenge is an annual program that serves as a guide to help local communities measure their progress towards sustainability. Currently, the City has achieved Silver certification in the program. Benefits of participating in the Michigan Green Community Challenge include:</p> <ul style="list-style-type: none">• Roadmap for sustainability initiatives;• Earn bronze, silver or gold certification for community efforts;• Benchmark progress towards sustainability initiatives;• Compare and compete with other communities. <p>To achieve Gold Certification, the City will need to pursue a Forestry Plan with an urban tree canopy inventory or install a solar demonstration project on City Hall in 2020.</p>	Status – The City has achieved Silver Certification in 2018 and 2019. Gold Certification will be pursued in 2020 and maintained in future years.
2. To assist the City in achieving 100% renewable energy by 2035, the City will undertake a feasibility study for a solar array project at the City-owned Howard Road landfill. Based upon results of the study, the City may pursue funding options and develop engineered drawings to solicit competitive bids.	City Council Clerk-Treasurer City Planner City Manager Public Works Director	The City has earmarked funds for the initial feasibility study in 2020. Based upon results of the feasibility study, the City Council may look at funding the solar array project in future years.	2020-2021

Goal Five**Develop and Promote Community Sustainability Measures Including the Transition to Renewable Energy Sources Continued**

<u>Strategies</u>	<u>Responsibility</u>	<u>Notes</u>	<u>Estimated Timeline/ Status</u>
<u>Highest priority strategies</u>			
3. To further assist the City in achieving 100% renewable energy by 2035, the City will install rooftop solar electric panels on City Hall. The efforts will not only decrease the City's dependence upon fossil fuels, but also demonstrate to the community the affordability and return on investments of new solar panel technology.	City Council Clerk-Treasurer City Planner City Manager Public Works Director	The project will serve as a community catalyst to encourage business owners and homeowners to explore small scale solar panels on buildings within the City. The City Hall demonstration project will highlight both the environmental benefits as well as the overall economics of installing solar panels on homes and businesses. City Council may direct Staff in future years to pursue other solar projects for City buildings.	2020-2021
4. Work with environmental groups, non-profits, municipalities and the Michigan Public Power Agency (MPPA) in the development of large scale solar array projects in Michigan.	City Council City Manager Clerk-Treasurer City Planner Director of Public Works	Transitioning to 100% renewable energy by 2035 will require the creation of a multitude of unique public/private partnerships. To maintain affordable electric rates through new renewable energy sources, the City should encourage partnerships that promote large-scale solar and wind projects to achieve beneficial economies of scale.	2020-2021
5. Using Energy Star Portfolio, achieve a 10% reduction in electrical energy usage for City Hall, Lake Street Fire Station, Curtis Building, and Bay Harbor Fire Station.	City Manager Parks and Recreation Director City Treasurer	Reducing the City's dependence on fossil fuel will take a two-fold approach that includes the transition to renewable energy sources but also implementing energy conservation measures for City Buildings. City Staff will track energy usage on four City buildings that have been benchmarked for energy usage through the Energy Star Portfolio. Specific energy savings projects will be consistent with recent energy audits on City buildings. Future energy savings will be used to establish a revolving energy loan fund in 2021.	2020-2021

Goal Five**Develop and Promote Community Sustainability Measures Including the Transition to Renewable Energy Sources Continued**

6. Increase participation in the City's Voluntary Green Pricing Program.	City Council City Manager Clerk-Treasurer Public Works Director	The City currently has 138 participants in the Voluntary Green Pricing Program. Residents and businesses can choose to participate at a 25%, 50%, 75% or 100% level. The City will increase our marketing efforts for the program through social media, utility billing and email data bases.	2020-2021
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Goal Six Promote Affordable/Workforce Housing within the Community

<u>Strategies</u>	<u>Responsibility</u>	<u>Notes</u>	<u>Estimated Timeline/ Status</u>
<u>Highest priority strategies</u>			
1. Work with housing organizations to identify and address obstacles to affordable housing in the City's zoning codes.	City Council City Manager City Planner Planning Commission	To meet a growing demand for affordable/workforce housing needs, the City in partnership with local housing organizations, will undertake a full review of the local zoning codes. These efforts will assist City Council and Staff in identifying any obstacles that may impede the creation of additional affordable/workforce housing units within the community.	2020-2021
2. Identify incentives or measures to promote affordable/workforce housing.	City Council City Manager City Planner Clerk-Treasurer	Resolving affordable/workforce housing issues will require a multi-pronged approach through strong private/public partnerships. Some measures that the City could consider include but are not limited to: <ul style="list-style-type: none"> • Considering donating obsolete City-owned parcels in the development of long-term affordable/workforce housing units for low-to moderate income families; • Revising City codes to allow additional dwelling units (ADUs) in certain neighborhoods or zoning districts; • Promote the establishment of a regional housing authority; • Study increasing density in certain zoning districts; • Develop a Payment in Lieu of Taxes (PILOT) policy that City Council could adopt. 	2020-2021

**City of Petoskey
2018 Final Action Plan (As of 10/7/19)**

Goal One Insure a Long-Term Sustainable City Budget

<u>Strategies</u>	<u>Responsibility</u>	<u>Notes</u>	<u>Estimated Timeline/ Status</u>
<u>Highest priority strategies</u>			
1. Create a parks/trails and City buildings maintenance plan including cost estimates for repair and upkeep. Consider potential new revenue sources to be used to fund future maintenance and up-keep associated with parks/trails and City buildings.	City Council City Manager Director of Finance Director of Parks and Recreation City Planner	City Council should consider a funding mechanism and work with Staff to pursue a long-range plan for funding maintenance and upkeep for City parks/trails and buildings.	Discussion in 2019 Status – Initial discussions have occurred on the Staff level. A Capital Needs Assessment Study for Parks and Special Facilities has been budgeted for in 2020.
2. Develop a long-term fire equipment needs assessment and financial plan to fund long-term fire equipment needs in future years. Consider “right sizing” the Public Safety Department’s fire vehicle fleet by possibly consolidating/downsizing fire truck apparatus. Any “right sizing” of fire response vehicles should consider impacts on the City’s Insurance Service Office (ISO) ratings while retaining the highest safety standards for local firefighters. Additionally, the City should explore creating a Fire Capital Equipment Reserve Fund to be used for future purchases of firefighting vehicles.	City Council City Manager Director of Finance Director of Public Safety	According to past reports, in the next 8-12 years the City will need to consider replacing both a 70’ ladder truck (est. costs \$800,000-\$1million) and possibly two rescue pumpers (est. costs \$1million-\$1.2million). City Staff will develop options on how to pay for these costly capital equipment purchases for City Council’s consideration.	Will be addressed in 2019 Motor Pool and each year forward Status – City Council approved purchase of two demo rescue pumpers in 2019 and scheduled a refurbishment of the current 70’ ladder truck for 2021 extending useful life another 10 years. This approach will greatly reduce future replacement and maintenance costs negating any need to extend the public safety mill levy that sunsets in 2020. A Fire Capital Reserve Fund has been established in the Motor Pool with \$50,000 earmarked for the fund in 2019. A contribution to this line item is scheduled for 2020.

<p>3. Achieve 90% funding for all employee divisions pertaining to the Michigan Employment Retirement System (MERS) defined benefit plans. On an annual basis, review the MERS Annual Actuarial Valuation Report for funding levels to further reduce the Unfunded Accrued Liability (UAL). Identify options to further reduce the UAL until 90% funding is achieved.</p>	<p>City Council City Manager Director of Finance</p>	<p>Over the last 2-3 years, MERS has made adjustments to mortality rates, amortization periods and the assumed rate of return on investments leading to substantial increases in annual Defined Benefit payments for the City.</p>	<p>Summer of each year</p> <p>Status – City is making great strides in reducing the MERS Unfunded Accrued Liability (UAL) through changes in the defined benefits program as well as substantial contributions towards the UAL over the last three years. According to the 2018 MERS Actuarial Report, the funding level is at 85%. In 2015, the percent funded was at 73%.</p>
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Goal Two

Plan for New Infrastructure as well as Maintenance of Current Infrastructure to Accommodate the future

<u>Strategies</u>	<u>Responsibility</u>	<u>Notes</u>	<u>Estimated Timeline/ Status</u>
<u>Highest priority strategies</u>			
1. Identify and extend the Capital Improvement Plan (CIP), the long term infrastructure needs of city departments, indicating both new and replacement needs as well as long-term infrastructure maintenance requirements. Identify long-term capital replacement and maintenance needs for long-term planning.	City Council Director of Public Works Director of Finance Director of Parks and Recreation City Planner City Manager	Currently, City officials annually develop a six-year CIP for City Council's approval. Extending analysis an additional 10 years into the future may provide a clearer picture for City officials of the City's infrastructure needs over the long-term.	<p>A routine process has been developed whereby the CIP is publicly presented to the Planning Commission for their review and approval, and detailed public presentations are done for City Council on a project-by-project basis. Starting in the 2019 Budget process, City Staff will create a list of critical capital improvements needed for an additional 10 years.</p> <p>Status – The 2020-2025 Capital Improvement Plan (CIP) has been expanded to include “Projects/Capital Items Lacking Funding” that includes a backlog of maintenance items such as building repairs, new roofs, HVAC systems, etc.</p>
2. Aggressively pursue grants to support specific infrastructure needs, including Bureau of Indian Affairs funding for streets where appropriate	City Council Director of Public Works Director of Finance Director of Parks and Recreation City Planner City Manager	A master list of past awarded grants along with deadline dates would assist Staff in maximizing grant dollars awarded to the City.	<p>On-going</p> <p>Status – The City was awarded over \$1,582,000 in grant funding in 2018/2019. Master lists of past grants and deadline dates have been developed by Staff.</p>

<p>3. Consider specific revenue sources for infrastructure and building repair and maintenance. For example, a mill levy for improvements to City Hall and/or repaving the Little Traverse Wheelway could be considered when the Public Safety Equipment millage sunsets in 2020.</p>	<p>City Council Director of Public Works Director of Finance Director of Parks and Recreation City Planner City Manager</p>	<p>Over the past several decades, the City has constructed a comprehensive network of high quality community amenities leading to Petoskey's reputation as a premier northern Michigan community in which to live, work and recreate. Some of these amenities include a historic downtown, renovated City Hall, award-winning pedestrian/bicyclists trail system, Winter Sports Park, and City Marina. These valuable amenities are in need of on-going maintenance and repair in the coming years. To maintain the highest standards for our local infrastructure and community amenities an additional revenue source may need to be identified and pursued.</p>	<p>2018-2020</p> <p>Status – Initial discussions have occurred on the Staff level. Anticipate more detailed discussions with City Council in latter part of 2019. Strategy is similar to #1 under Goal 1 “Insure a Long-Term Sustainable City Budget”.</p>
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Goal Three Diversify and Strengthen the City's Economic Base

<u>Strategies</u>	<u>Responsibility</u>	<u>Notes</u>	<u>Estimated Timeline/ Status</u>
<u>Highest priority strategies</u>			
1. On an annual basis, review the City's Redevelopment Ready Communities (RRC) Program Economic Development Strategy. Focus on the viability of identified redevelopment sites as well as appropriate economic incentives.	City Council City Manager City Planner	Through the RRC Economic Development Plan, the City has identified three sites on which to focus economic redevelopment efforts. The sites include 200 East Lake Street, the Darling Lot and 900 Emmet Street. The City will consider not only the economic development viability for each site, but also whether economic development incentives included in the Economic Development Strategy are appropriate.	Starting in early 2019 and each year thereafter Status – The RRC Economic Development Strategy has been reviewed by City Council on May 6, 2019. No changes were made to the document.
2. Through a competitive Request for Qualifications (RFQ) process, hire a consultant to develop a conceptual plan for a mixed-use development at the City-owned Darling Lot based upon comments by the Planning Commission, City Council and general public.	City Council City Manager City Planner DMB Director	A mixed-use development that includes commercial, residential and some form of covered parking on the Darling Lot will require a private/public partnership. The City should be proactive in developing conceptual plans that adhere to current local planning and zoning regulations to better market the site to prospective developers.	Complete conceptual drawings of a mixed-use development in 2019. Market the site to prospective developers in the future. Status – Through the RRC program, the City was awarded \$25,000 in consulting services to develop conceptual plans consistent with local regulations for the Darling Lot. Process began this Spring and we anticipate finalizing whether City Council would like to proceed with a Request for Qualifications (RFQ) in October.

Goal Four

Identify and Address Downtown Development Issues

<u>Strategies</u>	<u>Responsibility</u>	<u>Notes</u>	<u>Estimated Timeline/ Status</u>
<u>Highest priority strategies</u>			
1. Using past studies on the Lake Street/Division Street parking lot as well as the Darling Lot Study completed in 2017, consider several specific strategies to increase parking in the downtown area. When planning downtown infrastructure projects consider different street parking options to maximize downtown parking.	City Council City Manager City Planner Director of Public Works DMB Director	Focus is to increase the number of covered parking spots as well as optimize downtown street parking options.	April, 2019 Status – Through the RRC program, Darling Lot conceptual plans have been developed this summer. Developer for 200 East Lake Street has submitted an application for a Preliminary Planned Unit Development (PUD) rezoning request in June that includes underground parking. The zoning change was denied by the Planning Commission. At this time Emmet County elected officials have not voiced an interest in starting initial discussions on constructing a parking structure at Division and Lake Streets.
2. Examine and remove to the extent feasible obstacles to downtown residential uses.	City Council City Planner City Manager DMB	Developers have identified a lack of covered parking as a critical impediment to renovating second and third story floors in the downtown area for residential uses.	On-going
3. Consider whether property code enforcement should be expanded and encourage all business owners to participate in the voluntary self-inspection fire safety program.	City Council City Manager Public Safety Director DMB Director	Encourage all property owners to maintain their properties, given the importance to the City's economy and property valuations. Currently, the Public Safety Department offers a voluntary fire inspection services for free.	On-going Status – Every other year Public Safety Officers visit all downtown commercial businesses regarding fire safety issues. Business owners are given a self-inspection fire safety form with approximately 30% of the forms returned to the City. The program is completely voluntary. Implementing a mandatory commercial fire inspection program would require additional staff and may not be politically supported by commercial businesses.

Goal Five

Develop and Promote Community Sustainability Measures

<u>Strategies</u>	<u>Responsibility</u>	<u>Notes</u>	<u>Estimated Timeline/ Status</u>
<u>Highest priority strategies</u>			
1. In 2018, pursue Silver certification through the Michigan Municipal League's Michigan Green Community (MGC) Challenge program. Strive for Gold Certification in 2019 and maintain gold certification levels for futures years.	City Council City Manager City Planner Director of Public Works Parks and Recreation Director	<p>The Michigan Green Communities Challenge is an annual program that serves as a guide to help local communities measure their progress towards sustainability. Currently, the City has achieved bronze certification in the program. Benefits of participating in the Michigan Green Community Challenge include:</p> <ul style="list-style-type: none"> • Roadmap for sustainability initiatives; • Earn bronze, silver or gold certification for community efforts; • Benchmark progress towards sustainability initiatives; • Compare and compete with other communities. 	<p>Silver Certification in 2018/2019</p> <p>Status – City has achieved Silver Certification in 2018 and 2019. Gold Certification should be accomplished with completion of both a Forestry Plan and solar demonstration project in 2020.</p>
2. Working in partnership with the C.S. Mott Foundation and Petoskey/Harbor Springs Community Foundation, develop initiatives to advance the use of clean and renewable energy within both the City and regionally.	City Council City Planner City Manager Public Works Director Parks and Recreation Director	<p>Key activities associated with the C.S. Mott initiative include:</p> <ul style="list-style-type: none"> • Expanding and diversifying stakeholders engaged in clean energy efforts; • Support efforts to integrate energy management into organizational plans; • Promote a broader understanding of the value of clean energy efforts. 	<p>On-going</p> <p>Status:</p> <ul style="list-style-type: none"> • Staff received training and has downloaded energy consumption and building data information into the Energy Star Portfolio software program. • Exploring options for a solar array project on both a regional level and for a potential demonstration project on City Hall. Working with project architects to incorporate solar panels into the design of a new Public Works Facility.

			<ul style="list-style-type: none">• City Council passed a resolution in June to partner with MPPA in the transition to 100% renewable energy by 2035.• Received over \$12,000 to perform energy audits on five City buildings.• City Council to consider incorporating an Energy Efficiency Revolving Loan Fund into the 2020 budget.• Petoskey/Harbor Springs Community Foundation recently awarded a \$25,000 grant to hire an energy consultant from Groundworks Center to assist the City of Petoskey in pursuing our renewable energy goals.• Earmarked funds in the draft 2020 Budget for a solar array feasibility study for the Howard Road Landfill.• Earmarked funds in the draft 2020 Budget for a solar array demonstration project on the City Hall roof.
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Goal Five**Develop and Promote Community Sustainability Measures continued**

<u>Strategies</u>	<u>Responsibility</u>	<u>Notes</u>	<u>Estimated Timeline/ Status</u>
<u>Highest priority strategies</u>			
3 Develop a Request for Proposal to hire a consultant in drafting a Sustainability Plan on the focus areas of social equity, economic prosperity and environmental integrity. Bring forth proposals for City Council's consideration awarding a contract to the most qualified consultant.	City Council City Manager City Planner Public Works Director Finance Director Parks and Recreation Director	A Sustainability Plan could include but is not limited to the following: <ul style="list-style-type: none">• Fiscal sustainability;• City enhancing high quality municipal services and infrastructure at a fair tax rate;• Protect and preserve high air and water quality standards within the City;• Measures to further preserve and protect natural resources and recreation assets.• Transitioning to green infrastructure for environmental and cost-saving considerations;• Conserve energy and promote energy efficiencies and use of clean and renewable energy.• Increase recycling while reducing waste generation.	2018-2019 Status – Awarded a \$6,000 grant through the Mott Foundation-Petoskey/Harbor Springs Community Foundation to utilize consultants from the Land Information Access Association (LIAA) to incorporate sustainability and resiliency measures into the update of the Petoskey Master Plan. Grant dollars will also be used to facilitate discussions with grade school students on resiliency and sustainable measures.



City of Petoskey

Agenda Memo

BOARD: City Council

MEETING DATE: December 2, 2019

PREPARED: November 27, 2019

AGENDA SUBJECT: First Reading of a Proposed Ordinance Amending Chapter 8, Article VIII, Mobile Food Vending

RECOMMENDATION: That the City Council conduct a first reading of the enclosed proposed ordinance

Background The mobile food vending ordinance that City Council approved in June of 2018, is set to expire on December 31, 2019. City staff has met and recommends the following changes to the pilot program based upon our experience with the program over the last 17 months:

- The City designated specific locations on public property (two areas in Bayfront Park, Magnus Park and River Road Sports Complex) in which mobile food truck vendors could operate. There was little demand for these public areas with only two vendors (barbeque food truck in 2018, ice cream cart in 2019) utilizing these spaces. Anecdotally, business owners stated that food sales in Bayfront Park were minimal and therefore relocated elsewhere. Ten licenses were issued in both 2018 and 2019 for mobile food trucks on private property. Food truck research states that the viability of food trucks works best when concentrated together such as The Back Lot on Michigan Street. This is a Council policy decision, but staff recommends striking the designated public areas in the resolution for mobile food vendors.
- Nevertheless, staff believes there is value to allowing mobile food trucks on public or private property when associated with a City approved public or private event such as weddings in Bayfront Park or other events or celebrations. For events with a mobile food vendor on public property, the vendor will need to show proof of obtaining a City of Petoskey Mobile Food Vending License as well as getting staff approval on a Special Events Application. Mobile food vending on private property shall only occur in business or industrial areas and must include a parking plan review. Mobile food vending would not be recommended in residential zoned districts.
- Fees have been streamlined with only one annual fee available for licensing a mobile food truck. The proposed \$100 fee would expire at the end of each calendar year. The \$100 fee covers the costs of Public Safety Officers inspecting the mobile food truck. Regardless of whether the mobile food license is used for the entire year or simply for single event, costs to the City remain constant at \$100.

Enclosed is original ordinance and the amended ordinance that is proposed by staff. We have included a marked-up version of the proposed resolution with additional language in red and any language to be deleted using a ~~strike through~~.

Action That City Council conduct a first reading of the proposed ordinance and give direction to staff on specific revisions to the ordinance that will be used to bring forth a revised ordinance and resolution for a second reading and possible adoption.

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Enclosure

ORDINANCE NO. 765

AN ORDINANCE TO AMEND CHAPTER 8 OF THE PETOSKEY CODE OF ORDINANCES, BUSINESSES AND BUSINESS REGULATIONS, CREATING A NEW ARTICLE VIII MOBILE FOOD VENDING

THE CITY OF PETOSKEY ORDAINS THE FOLLOWING ARTICLE BE CREATED:

1. **Article VIII Mobile Food Vending**

An amendment to Chapter 8 Businesses and Business Regulations that will expire after December 31, 2019. During this trial period, there may be up to six (6) licenses issued for designated locations on public property and no limit to the number of licenses that may operate on private property.

Division 1. Generally

Sec. 8-300 Intent.

The intent of this Section is to encourage mobile food vendors that will provide food service options in underserved areas, promote entrepreneurial activity, and increase vibrancy and culture to the City of Petoskey.

Sec. 8-301 Definitions.

- (a) *Mobile food vending* shall mean vending, serving, or offering for sale food and/or beverages from a mobile food vending unit which meets the definition of a food service establishment under Public Act 92 of 2000, which may include the ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in mobile food vending.
- (b) *Mobile food vending unit* shall mean any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.
- (c) *Vendor* shall mean any individual engaged in the business of mobile food vending; if more than one individual is operating a single stand, cart or other means of conveyance, then vendor shall mean all individuals operating such single stand, cart or other means of conveyance.
- (d) *Operate* shall mean all activities associated with the conduct of business, including set up and take down and/or actual hours where the mobile food vending unit is open for business.

Sec. 8-302-8-314 Reserved.

Division 2. License

Sec. 8-315 License required.

No vendor shall engage in mobile food vending without a license from the City Clerk authorizing such vending. The City Clerk shall prescribe the form of such licenses and application for such license. All licenses shall be prominently displayed on the mobile food vending unit. No vending through a mobile food vending unit of food and/or other human consumables shall be licensed unless it meets the definition of mobile food vending as defined by this ordinance.

Sec. 8-316 Duration; non-transferability.

Annual licenses may be issued by the City Clerk expiring at the end of each calendar year. Licenses associated with a community event may be issued on a daily basis. This mobile food vending ordinance shall expire December 31, 2019. Any license issued under this chapter is non-transferable.

Sec. 8-317 Application.

Every vendor desiring to engage in mobile food vending shall make a written application to the City Clerk for a license under this chapter. The applicant shall truthfully state, in full, all information requested by the City Clerk and be accompanied by a fee established by resolution of the City Council. Additionally, the applicant shall provide all documentation, such as insurance, as required by the City.

Sec. 8-318 Fees.

An application for a license under this chapter shall be accompanied by a fee in the amount established by resolution of the City Council. There shall be no proration of fees. Fees are non-refundable once a license has been issued by the City Clerk. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this chapter.

Sec. 8-319 Requirements.

Any vendor engaging in mobile food vending shall comply with the following requirements:

- (1) Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis.
- (2) If operating on city-owned or controlled property, vendor may only locate on such property in locations as established by a resolution adopted by the City Council. Exceptions to this requirement may be approved by the City Manager for community events whereby food vending trucks are present. All mobile food vending trucks operating at a community event, whether on public or private property, will be required to obtain the appropriate license(s) and pay the fee established by resolution of the City Council.
- (3) No vendor may operate on public property within one block of a City-authorized street fair, public festival, farmers market or event being conducted without authorization from the event sponsor.
- (4) No vendor may use flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.
- (5) No vendor shall use loud music, amplification devices or "crying out" or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the City.
- (6) Comply with the City's Nuisance Ordinance, Sign Ordinance and all other City ordinances.
- (7) Comply with all applicable federal, state and county regulations.
- (8) May have one portable sign that is six square feet, with no dimension greater than three feet and no height (with legs) greater than four feet, located within three (3) feet of the unit; and under no circumstances shall such sign be placed upon the sidewalk or impede pedestrian and/or vehicle safety.
- (9) The hours of mobile food vending are between 7:00 A.M. and 11:00 P.M. Other restrictions regarding hours of operation may be established by resolution of the City Council.

- (10) No mobile food vending unit may be left unattended for more than two hours; and any mobile food vending unit not in operation shall be removed between the hours of 11:00 P.M. and 7:00 A.M.
- (11) Mobile food vending units shall not utilize any electricity or power without the prior written authorization of the power customer; no power cable or similar device shall be extended across any City street, alley or sidewalk.

Sec. 8-320 Impoundment.

Any equipment associated with food vending that is not in compliance with this chapter and left on public property may be impounded at the owner's expense.

Sec. 8-321 Other licenses.

A license obtained under this chapter shall not relieve any vendor of the responsibility for obtaining any other license, or authorization required by any other ordinance, statute or administrative rule.

Sec. 8-322 Revocation.

The City Clerk shall revoke the license of any vendor engaged in mobile food vending who ceases to meet any requirement of this chapter or violates any other federal, state or local regulation, makes a false statement on their application, or conducts activity in a manner that is adverse to the protection of the public health, safety and welfare.

Immediately upon such revocation, the City Clerk shall provide written notice to the license holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the license shall become null and void.

Sec. 8-323 Complaints; appeals.

If a written complaint is filed with the City Clerk alleging a food vendor has violated the provisions of this chapter, the City Clerk shall promptly send a copy of the written complaint to the vendor together with a notice that an investigation will be made as to the truth of the complaint. The vendor shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the City Clerk, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified. If a license is denied or revoked by the City Clerk, or if a written complaint is certified pursuant to this Chapter, the applicant or holder of a license may appeal to and have a hearing before the City Manager. The City Manager shall make a written determination, after presentation by the applicant and investigation by the City Clerk, as to whether or not the grounds for denial, revocation or complaint are true. If the City Manager determines that such grounds are supported by a preponderance of the evidence, the action of City Clerk or filing of the complaint shall be sustained and the applicant may appeal the City Manager's decision to a court of competent jurisdiction.

Sec. 8-324 Violation and Penalty.

A violation of this chapter is responsible for a municipal civil infraction and subject to fines as established by City Council.

2. Conflicting Standards.

If any of the standards set forth in this amendment conflict with any other standards of previous or further ordinances or amendments, the stricter standards shall apply.

3. **Repeal; Savings Clause.**

All ordinances, resolutions, or orders, or parts thereof, in conflict with the provisions of this ordinance are, to the extent of such conflict, repealed.

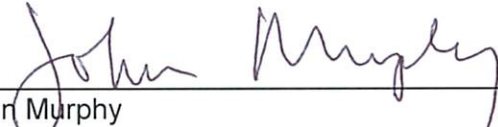
4. **Severability.**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

5. **Effect.**

This ordinance shall take effect fifteen (15) days following its enactment and shall be published once within seven (7) days after its enactment as provided by Charter.

Adopted, enacted and ordained by the City of Petoskey City Council this 4th day of June 2018.



John Murphy
Its Mayor



Alan Terry
Its Clerk

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 8 OF THE PETOSKEY CODE OF ORDINANCES,
BUSINESSES AND BUSINESS REGULATIONS, REGULATING MOBILE FOOD VENDING**

THE CITY OF PETOSKEY ORDAINS:

1. Article VIII, entitled "Mobile Food Vending" of Chapter 8 of the City of Petoskey Code of Ordinances is hereby amended in part and replaced by the following:
2. The introduction clause of Article VIII, Chapter 8, entitled "Mobile Food Vending" is hereby repealed and replaced with the following:

Article VIII Mobile Food Vending

An amendment to Chapter 8 Businesses and Business Regulations to regulate mobile food vending on public and private property.

3. Section 8-302 entitled Mobile Food Vending Locations is hereby adopted as follows:

Sec. 8-302 Mobile Food Vending Locations

- (a) Public Property – Mobile Food Vending shall only be allowed on public property when part of an approved public or private event.
- (b) Private Property – Mobile Food Vending on private property shall only be allowed in business or industrial districts and must include a parking plan review.

4. Section 8-316 entitled Duration; non-transferability is hereby repealed and replaced with the following Section 8-316:

Sec. 8-316 Duration; non-transferability.

Licenses may be issued by the City Clerk expiring at the end of each calendar year. Any license issued under this chapter is non-transferable.

5. Section 8-317 entitled Application is hereby repealed and replaced with the following Section 8-317:

Sec. 8-317 Application.

Every vendor desiring to engage in mobile food vending shall make a written application to the City Clerk for a license under this chapter. The applicant shall truthfully state, in full, all information requested by the City Clerk and be accompanied by a fee established by resolution of the City Council. Additionally, the applicant shall provide all documentation as required by the City.

6. Section 8-319 entitled Requirements is hereby repealed and replaced with the following Section 8-319:

Sec. 8-319 Requirements.

Any vendor engaging in mobile food vending shall comply with the following requirements:

- (1) Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis.

- (2) If operating on city-owned or controlled property, vendor may only locate on such property in locations associated with a City-approved public or private event. All mobile food vending trucks operating at an event, whether on public or private property, will be required to obtain the appropriate license(s) and pay the fee established by resolution of the City Council.
- (3) No vendor may operate on public property within one block of a City-authorized street fair, public festival, farmers market or event being conducted without authorization from the event sponsor.
- (4) No vendor may use flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.
- (5) No vendor shall use loud music, amplification devices or "crying out" or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the City.
- (6) Comply with the City's Nuisance Ordinance, Sign Ordinance and all other City ordinances.
- (7) Comply with all applicable federal, state and county regulations.
- (8) Mobile food vending units shall not utilize any electricity or power without the prior written authorization of the power customer; no power cable or similar device shall be extended across any City street, alley or sidewalk.

7. **Conflicting Standards.**

If any of the standards set forth in this amendment conflict with any other standards of previous or further ordinances or amendments, the stricter standards shall apply.

8. **Repeal; Savings Clause.**

All ordinances, resolutions, or orders, or parts thereof, in conflict with the provisions of this ordinance are, to the extent of such conflict, repealed.

9. **Severability.**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

10. **Effect.**

This ordinance shall take effect fifteen (15) days following its enactment and shall be published once within seven (7) days after its enactment as provided by Charter.

Adopted, enacted and ordained by the City of Petoskey City Council this ____ day of _____, 2019.

John Murphy
Its Mayor

Alan Terry
Its Clerk



WHEREAS, at the direction of City Council, the City Planning Commission was asked to research leading practices and make recommendations on possible regulations pertaining to mobile food vending businesses within the City of Petoskey; and

WHEREAS, the Planning Commission established a sub-committee that met with local representatives of food trucks and brick and mortar businesses and studied several examples of ordinances from communities who have successfully implemented mobile food vending programs in their communities; and

WHEREAS, the sub-committee recommended mobile food truck regulations and possible sites to locate food trucks on public property; and

WHEREAS, the City's Planning Commission felt that business regulations were the appropriate mechanism for regulating food trucks and recommended draft language amending Article VIII of the Code of Ordinances, Chapter 8 Businesses and Business Regulations after hearing no opposition to the draft regulations and proposed sites; and

WHEREAS, the City Council has taken public comments and discussed various aspects of the proposed food vending pilot ordinance including possible public sites and fee schedules associated with a mobile food vending program; and

WHEREAS, over the last two years the City mobile food truck pilot program has been in effect and the City Council desires to make changes to the mobile food vending program:

NOW THEREFORE BE IT RESOLVED, that the Petoskey City Council hereby adopts Ordinance 765 # _____ and sets the following rules and fee schedule for a mobile food vending units. for 2018 and 2019:

MOBILE FOOD VENDING PILOT FEE SCHEDULE

Vendors shall obtain ~~both a business license as well as~~ a mobile food vending license from the City Clerk in accordance with the City Code.

Vendors shall pay the following ~~pertinent~~ fee annually with each mobile food vending license expiring at the end of the calendar year on December 31.

If vending on City property or private property: \$100.00 annually ~~\$500 annually~~

~~If vending on private property:~~ _____ \$100.00 annually

~~If associated with a community event and~~ _____ \$40.00 daily
~~on public property:~~

~~If associated with a community event~~ _____ \$25.00 daily
~~on private property:~~

Vendors shall be required to comply with all Federal, State and local regulations including Ordinance 765 #_____.

~~The City shall allow up to two (2) mobile food vending trucks in designated areas at each of the following four City-owned locations:~~

- ~~• Behind the Petoskey Fire Station adjacent to Festival Park~~
- ~~• Bayfront Drive in the far eastern parking area near turnaround and public bathrooms~~
- ~~• Magnus Park~~
- ~~• River Road Sports Complex~~

~~Use of the aforementioned sites shall be on a "first come first serve basis".~~

NOW THEREFORE, BE IT RESOLVED, that the City of Petoskey approves Ordinance 765 #____ along with the established fee schedule. ~~and designated City-owned sites.~~

State of Michigan)
County of Emmet) ss
City of Petoskey)

Alan Terry, City Clerk



City of Petoskey

Agenda Memo

BOARD: City Council

MEETING DATE: December 2, 2019

PREPARED: November 22, 2019

AGENDA SUBJECT: Consideration to Approve the Collective Bargaining Agreement between FOPLC Full-Time, non-supervisory Department of Public Safety Employees and the City of Petoskey

RECOMMENDATION: That the City Council adopt the enclosed proposed resolution

Background After completing 312 Arbitration, the City of Petoskey's negotiating team as well as representatives for the FOPLC Full-Time non-supervisory PSO division have agreed to a three-year contract beginning on January 1, 2018 with an expiration date of December 31, 2020. (Wage increases for 2018 and 2019 will be retroactive beginning January 1, 2018.) The collective bargaining agreement has been approved and signed by the Business Agent and the Union Steward on November 18, 2019.

Highlights of the new contract include the following:

- **Section 8.10 Use of Part-Time Employees** – Establishes protocol for when part-time employees may be used based upon a Memorandum of Understanding established in a prior collective bargaining agreement.
- **Section 12.1 Uniforms** – Increased the City's contribution towards offsetting costs of uniforms.
- **Section 15.1 Medical and Hospitalization Insurance** – Increased City's contribution towards health insurance according to State caps.
- **Section 16.1 Pension Plan** – Increased the Employee's contribution towards MMERS defined benefit plan - 3.0% prior to August 2019, 4% August 2019 through December 2019, 4.5% in 2020.
- **Appendix "A"** – Wage increases for three-year contract – 2% 2018, 2% in 2019 and 1% in 2020.

Action City Council motion to adopt the resolution approving the 2018-2020 FOPLC Full-Time, Non-Supervisory Department of Public Safety Employees Contract.

mb
Enclosures



City of Petoskey

Resolution

WHEREAS, certain full-time, non-supervisory Department of Public Safety Employees unionized staff members are represented by the Fraternal Order of Police Labor Council (FOPLC); and

WHEREAS, City and bargaining unit representatives negotiated provisions of a proposed agreement for the non-supervisory employee Division; and

WHEREAS, the City Manager now has reported that an agreement has been reached with the FOPLC non-supervisory employee Division for the period of January 1, 2018 – December 31, 2020:

NOW, THEREFORE, BE IT RESOLVED that the City Manager be and is hereby directed to execute on behalf of the City an employment agreement with the Department of Public Safety non-supervisory Division who are represented by the Fraternal Order of Police Labor Council.

1.

AGREEMENT

(Covering full-time, non-supervisory Department of Public Safety Employees)

between

CITY OF PETOSKEY

and

FOPLC

For the period from January 1, 2018 through December 31, 2020
(Effective on August 1, 2019)

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AGREEMENT

AN AGREEMENT, made this _day of August, 2019, with an effective date of January 1, 2018, by and between the CITY OF PETOSKEY, hereinafter referred to as the "Employer" and the FRATERNAL ORDER OF POLICE LABOR COUNCIL, hereinafter referred to as the "FOPLC" or "Union."

RECOGNITION

Section 1.1. Collective Bargaining Unit. Pursuant to the provisions of Act 379 of the Public Acts of 1965, as amended, the Employer hereby recognizes the FOPLC as the exclusive representative for the purpose of collective bargaining with respect to rates of pay, wages, hours of employment and other conditions of employment for those employees within the City's Department of Public Safety with the classification title of "Full Time Public Safety Officer," and excluding all other departmental personnel with different classification titles.

OPEN SHOP AND DUES CHECKOFF

Section 2.1. Dues Deductions. The Employer agrees to deduct dues from the salary of each individual employee in the bargaining unit who voluntarily becomes a member or who voluntarily authorizes the payment of representation fees, subject to all of the following conditions:

- A. The Union shall obtain from those employees who voluntarily agree to become members or voluntarily agree to remit representation fees a completed authorization form which shall conform to the respective state and federal law(s) concerning that subject. The Union shall furnish the forms.
- B. Check-off authorization forms shall be filed with the Employer's Director of Human Resources. The total amount due shall be deducted and forwarded to the Union with a monthly membership list to the address of:

Fraternal Order of Police Labor Council
1457 East 12 Mile Road
Madison Heights, Michigan 48071

It is the responsibility of the Labor Council to promptly notify the Employers Payroll Office of any change in address for forwarding payments. The parties, by mutual agreement through a letter of understanding, may also agree to electronic transfer of dues payments, if such a method is available.

- C. The Employer's remittance shall be deemed correct if the Union does not give written notice to the Employers Payroll Office within two calendar weeks after remittance is transmitted of its belief, with reason(s) stated therefore, that the remittance is incorrect.
- D. The Union shall provide at least 30 days written notice to the Employers Payroll Office of the amount of Union dues and representation fees to be deducted from the wages of employees in accordance with this Article. Any changes in the amounts determined will also be provided to the Employers Payroll Office at least 30 days

prior to its implementation.

- E. An employee wishing to have Union dues/fees deducted from his/her paycheck shall provide a signed/written payroll deduction authorization form/card to the City.

Section 2.2. Save Harmless. The Union agrees to defend, indemnify and save the Employer harmless against any and all claims, suits, or other forms of liability arising out of its deduction from an employee's pay of Union dues, or representation fees or in reliance upon any list, notice, certification or authorization furnished under this Article. The Union assumes full responsibility for the disposition of the deductions so made once they have been sent to the Union.

During the term of this Agreement it is the express intent of the Employers and the Union to follow the law as currently defined by the United States Supreme Court decision of *Janus v. AFSCME*, 138 S. Ct. 2448 (June 27, 2018), as well as 2012 PA 349, at MCL 423.209 and MCL 423.210.

REPRESENTATION

Section 3.1. Steward. The Employer agrees to recognize a steward and assistant steward selected by the FOPLC from members of the collective bargaining unit, provided: (1) That the steward is a non-probationary employee, and (2) That the City has received written notification from the Union as to the name of the steward and assistant steward selected. The duties of the steward and assistant steward shall be to represent employees in accordance with the grievance procedure established in this Agreement and to receive and transmit official communications between the FOPLC and the Employer.

Section 3.2. Union Access. A non-employee Union representative may consult with employees in the assembly area before the start of each work shift or at the end thereof. Before entering the assembly area, notification shall be given to the Director of Public Safety or the Director's designee.

Section 3.3. Lost Time. The Employer agrees to compensate the steward for all reasonable time lost from the employee's regular schedule of work while processing a grievance in accordance with the grievance procedure or while attending a special conference or negotiations with Employer representatives. It is understood that the time and place of meetings and the number of representatives attending these meeting shall be agreed upon in advance. All meetings or use of other time related to union activities must be requested in writing to, and approved by the Director or his/her designate, allowing not less than 48 hours for scheduling. The Employer reserves the right to revoke this benefit in whole or in part if it is abused.

MANAGEMENT RIGHTS

Section 4.1. Management Rights. The City hereby retains and reserves unto itself all powers, rights, duties, and responsibilities conferred upon and vested in it by the laws and the Constitutions of the United States and the State of Michigan and the laws and Charter of the City of Petoskey. Among the rights of management, included only by way of illustration and not by way of limitation, is the right to determine all matters pertaining to the City's services to be furnished and the methods, procedures, means, personnel, equipment, and machines to provide such services; to determine the organizational structures of all the City's offices and

departments and their various divisions; to determine the size of the City's workforce and to increase and decrease the numbers of employees retained; to hire new City employees; to determine the nature and number of City facilities and their locations; to adopt, modify, change, or alter budgets; to establish classifications of work; to determine the skills required of employees; to combine or reorganize any part or all of the City's operations; to maintain order and efficiency; to study and use improved methods and equipment and outside assistance either in or out of the City's organization or its facilities; to enter into contracts with private persons or corporations or with other public agencies for the undertaking of any project or for the provision of any product or service; to direct the City's workforce; to assign work within the Department of Public Safety or any office or department of the City and to determine the location of work assignments and related work to be performed; to determine the numbers of employees to be assigned to the City's operations; to establish work standards; to select employees for promotion or transfer to supervisory or other positions; to determine the numbers of supervisors; to make judgments regarding skills and abilities and the qualifications and competencies of employees; to establish training requirements for purposes of maintaining or improving the professional skills of employees and for advancement. The City shall also have the right to suspend, discipline, or discharge employees for just cause; to transfer, layoff, and recall personnel; to establish reasonable work rules and to fix and determine penalties for violations of such rules; to establish and change work schedules and hours; to provide and assign relief personnel; to continue and maintain its operations as in the past. All such rights are vested exclusively in the City and shall not be subject to the grievance and arbitration procedure established in this agreement, provided, however, that these rights shall not be exercised in violation of any specific provision of this agreement. It is further agreed by the parties that the enumeration of management prerogatives set forth above shall not be deemed to exclude other prerogatives not enumerated and, except as specifically abridged or modified by this agreement, all of the rights, powers, and authority possessed by the City prior to the signing of this agreement are retained by the City and remain within the rights of the City, regardless of whether such rights have or have not been exercised in the past.

GRIEVANCE AND ARBITRATION PROCEDURE

Section 5.1. Definition of Grievance. A grievance shall be a complaint by an employee concerning the application and interpretation of this written Agreement.

Section 5.2. Grievance Procedure. All grievances shall be processed in the following manner:

Step 1. An employee with a complaint shall discuss the matter with the officer in charge or the Director of Public Safety. If requested, an employee may have the employee's steward present. If the complaint is not satisfactorily settled, the employee shall reduce the complaint to writing on the grievance form by listing the sections of the Agreement alleged to have been violated, sign the grievance and submit it to the Director within seven (7) calendar days from the events which caused the complaint. The Director shall place an answer on the grievance form and return it to the employee within seven (7) calendar days after receipt.

Step 2. If the employee is not satisfied with the Director of Public Safety's answer, the employee may appeal the decision by submitting the written grievance to the City Manager within five (5) calendar days. The employee and the steward shall discuss the grievance with

designated representatives of the City Manager within five (5) calendar days. The City Manager shall place an answer on the grievance and return it to the steward within fourteen (14) calendar days after its receipt.

Step 3.

The Union may appeal the Employer's decision to arbitration on any grievance that is arbitrable by giving the Employer written notice of its desire to arbitrate within twenty (20) calendar days after receipt of the City Managers answer.

Section 5.3. Selection of Arbitrator. If a timely request for arbitration is filed by the Union, the parties to this Agreement shall select by mutual agreement one (1) arbitrator who shall decide the matter. If the parties are unable to agree upon an arbitrator, the arbitrator shall be selected by each party alternatively striking a name from a panel of arbitrators submitted by the Michigan Employment Relations Commission (MERC). The remaining name shall serve as the arbitrator, whose fees and expenses shall be shared equally by the Union and the City. Each party shall pay the expenses, wages and any other compensation of its own witnesses and representatives.

Section 5.4 Arbitrator's Powers. The arbitrator's powers shall be limited to the application and interpretation of this Agreement as written, and the arbitrator shall be governed at all times wholly by the terms of this Agreement. The Arbitrator shall have no power or Authority to alter or modify this Agreement in any respect, directly or indirectly, or any authority to hear or determine any dispute involving the exercise of any of the City's inherent rights not specifically limited by the express terms of this Agreement. Further, the arbitrator shall not be empowered to consider any question or matter outside of this Agreement or pass upon the propriety of written warnings administered to employees covered by this Agreement, set any wage rate or specify the terms of a new Agreement. If the issue of arbitrability is raised, the arbitrator shall only decide the merits of the grievance if arbitrability is affirmatively decided. The arbitrator's decision shall be final and binding upon the Union, the City, and employees in the bargaining unit, provided, however, that either party may have its legal remedies if the arbitrator exceeds the arbitrator's jurisdiction as provided in this Agreement. Any award of the arbitrator on a grievance involving a continuing violation shall not be retroactive any earlier than the time the grievance was first submitted in writing.

Section 5.5. Time Limitations. The time limits established in this Grievance and Arbitration Procedure shall be followed by the parties and employees hereto. If the Union fails to follow the time limits, the grievance shall be considered settled. If the City fails to follow the time limits, the grievance shall automatically advance to the next step, including arbitration upon written notice. The time limits may be extended by mutual agreement of the parties in writing.

PROHIBITION

Section 6.1. No Strike. During the term of this Agreement or any extensions thereof, the Union agrees that there will be no strikes, sit-downs, slowdowns, stoppages of work, boycotts, picketing of City property or equipment, or any other interference with the normal operations of the City, nor will there be any observation of or refusal to cross any picket line which may be established at or near the City's property or equipment whether said picket line has been established by the Union or by any other organization.

Section 6.2. Breach. If a strike or other action occurs as prohibited in Section 6.1 of this Agreement, the Union shall undertake every reasonable means to induce such employees to return to their jobs. It is specifically understood and agreed that the City shall have the authority to discharge or discipline any employee who is engaged in a strike or other prohibited conduct as set forth in Section 6.1 of this Agreement.

Section 6.3. No Lockout. During the term of this Agreement or any extensions thereof, the City agrees that there will be no lockouts, except that this provision shall not apply in the event a strike or other action occurs as prohibited in Section 6.1 of this Agreement.

SENIORITY

Section 7.1. Seniority Definition. Seniority shall be defined to mean that length of the employee's service with the Employer in the Department of Public Safety commencing from the last date of hire. The application of seniority shall be limited to the references recited in this Agreement.

Section 7.2. Probationary Period. When hired, all employees shall be considered probationary employees for a period of three (3) years, provided however, that such probationary period shall be extended for a period of time equal to the time that an employee is absent from duty due to schooling or personal reasons if such period of absence is greater than fourteen (14) consecutive days. Upon completion of the probationary period, an employee shall be placed on the seniority list and shall have seniority dating from his last date of hire. The Union shall represent probationary employees for the purposes of collective bargaining; however, probationary employees may be laid off or terminated by the Employer at any time without regard and without recourse to this Agreement. The employee shall, however, be cross-trained as a law-enforcement officer, firefighter, and emergency-medical technician within three (3) years of the employee's date of employment. The Employer shall provide opportunities to employees to obtain training to receive certifications in these vocations as issued by the State of Michigan. Should such employee fail or refuse the cross-training, it shall be grounds for administrative action up to and including termination. All reasonable expenses incurred by the employee during the training shall be paid by the Employer.

Section 7.3. Seniority List. The Employer shall maintain a roster of employees arranged according to seniority by classification and seniority date and shall furnish a copy to the Union the first month of each year or as soon thereafter as is practicable.

Section 7.4. Loss of Seniority. An employee shall lose his seniority if the employee:

- (a) Resigns or quits;
- (b) Is discharged or terminated from work and such discharge or termination is not reversed in the grievance procedure herein;
- (c) Retires;
- (d) Has been laid off for a period equal to his seniority at the time of the employee's layoff or two (2) years, whichever is lesser; or
- (e) Is absent from work including failure to return at the expiration of a leave of absence, vacation, or disciplinary layoff, for three (3) consecutive working days without written notice given the Employer or the Employer's designee, coupled with the Employer's written permission.

Section 7.5. Layoff and Recall.

- (a) The first employee to be laid off shall be the probationary employee and thereafter the employee with the least seniority in the classification, provided however, the employees with the greater seniority have the experience, qualifications and present ability to perform the required work.
- (b) Recall to work following a layoff shall be in order of seniority in the classification, provided that the employee has the experience, qualifications and present ability to perform the required work.
- (c) The City agrees to provide fourteen (14) calendar days' advance notice of a layoff if reasonably possible.

Section 7.6. Educational Opportunities. Seniority will be given consideration in educational opportunities available, but final determination will be at the discretion of the Director of Public Safety.

HOURS OF WORK

Section 8.1 Tour of Duty. A tour of duty shall average two (2) bi-weekly work periods of eighty (80) hours each within a twenty-eight (28) day cycle; however, this shall not be considered as a guarantee of work. Work schedules shall be established by the Employer and posted in advance. Work schedules may be changed by the Employer when required by operating conditions.

Daily-duty shifts shall be twelve (12) hours long, normally from 6:00 A.M. to 6:00 P.M. or from 6:00 P.M. to 6:00 A.M. For hours worked in excess of eighty (80) hours, but not more than eighty four (84) hours worked during a tour of duty, Employees may select payment at the straight time rate, or use the hours as time off, so long as taking the time off does not result in overtime in the department. Should an intended use of time off result in overtime, at the time requested, the Employee shall not be allowed to take the time off and shall be paid for the hours at the straight time rate.

Section 8.2 Equalization of Overtime. All Public Safety Officers shall be expected to work reasonable amounts of overtime upon request of the Employer. Overtime assignments shall be requested by Public Safety Officers with use of a sign-up sheet. A listing of overtime hours that have been worked by each Public Safety Officer shall be maintained and updated by the Employer on a weekly basis. Overtime hours will be offered to the Public Safety Officer with the least amount of overtime. Said listing shall be renewed on January 1 of each year, with overtime hours assigned in order of seniority.

Section 8.3. Premium Pay. Time and one-half (1-1/2) of an employee's regular straight time hourly rate shall be paid for:

- (a) All work performed by an employee when called to duty on the employee's day off or called back to work after having completed a regularly schedule shift for the day.
- (b) There shall be no pyramiding or duplication of overtime call in or premium pay.

Section 8.4. Call-in. Employees who are called back for any emergency duty or must report back outside normal duty schedule for fire calls, court appearances or depositions, etc., will be paid a minimum of two (2) hours' pay at the rate of time and one-half (1-1/2) of the normal rate, including pay for court appearances that are cancelled, provided that the court had not provided notice of such cancellation by 5:00 P.M. on the last business day preceding the scheduled court hearing. Employees that are called in for duty while on vacation, floating holiday, personal leave time, or compensatory time, shall be credited leave time in an amount consistent with this section in lieu of overtime pay.

Employees called in for emergency duty may be required at the discretion of the director or his designee to remain on duty for the entire two (2) hour period or a portion of the two (2) hour period for which they are being paid under this section. and may be required to perform any duties as requested by the Director or his designee. The Director or his designee, at his discretion, may release the employees to leave the station.

Section 8.5. Hourly Rate. An employee's regular straight time hourly rate shall be determined by dividing the employee's annual salary set forth in Appendix "A" by 2,080 hours.

Section 8.6. Wages. Attached hereto and incorporated herein is Appendix "A," Classifications and Wage Rates.

Section 8.7. Compensatory Time. In lieu of premium pay, upon the request of an employee, and upon approval by the Director of Public Safety or the Director of Public Safety's designee, the employee may be allowed time off with pay at the employee's regular straight-time, hourly rate of one and one-half (1-1/2) hours for each hour of overtime worked. Employees cannot accumulate more than seventy-five (75) hours of compensatory time. Employees shall be permitted to use no more than 150 hours of compensatory time as leave time per calendar year, that is, January 1 to December 31, annually.

Employees shall not request compensatory-time leaves more than two (2) weeks in advance of the leave time requested, and requests for compensatory-time leave may be turned down if such leave would create the need for the City to pay overtime-wage rates to the substitute for the employee who would be on compensatory-time leave. Once posted within that two-week period, employee would be guaranteed the compensatory time off, unless that compensatory-leave time created an undue hardship for the City as a result of other, unscheduled leaves that since had occurred as a result of other employees being absent from shifts while receiving workers' compensation or disability benefits.

Notwithstanding the procedure above, the Director shall have the right to approve or deny requests to use compensatory time so as to not interfere with the efficient operation of the Department. Denial of such requests shall not be arbitrary or capricious.

Section 8.8. Training. The parties acknowledge that in order to maintain a fully-trained Department of Public Safety, considerable training of employees will be required. Such training shall include those skills necessary to effectively deliver public-safety services to the citizens of Petoskey as developed and ordered by the Director of Public Safety. Such training shall include, but not be limited to, law enforcement, firefighting, and emergency medical techniques. The City agrees to pay employees at regular rates of pay for all hours spent in such training, including time that is required to travel to and from such training, and at rates one-and-one-half (1 1/2) times the hourly rates of pay for time spent in such training that occurs in excess of regular hours.

Section 8.9. Shift Bidding. Effective January 1, 2016, full time Public Safety Officers who have

successfully completed their field training will be permitted to bid for a schedule in accordance with this section.

This procedure is superseded by the management rights of the Employer to approve, deny or modify any shift bid request, and to make any necessary changes to ensure proper staffing and maintain operational efficiency, in the sole discretion of the Director of Public Safety. Assignments for coverage under this provision shall be filled by seeking volunteers, then in inverse order of seniority.

The Employer further retains the right to assign officers to shifts for purpose of station coverage or other duties or assignments as determined by the Director of Public Safety, without regard for seniority.

The shifts shall be separated into two scheduled rotations, A and B, consisting of a day shift 6 am – 6 pm and a night shift of 6 pm- to 6 am.

- Rotation A will cover Monday, Tuesday, Friday, Saturday, Sunday, Wednesday and Thursday.
- Rotation B will cover Sunday, Wednesday, Thursday, Monday, Tuesday, Friday and Saturday.

The shift bids will be conducted annually. Officers may choose either day shift 6 am- 6 pm or night shift 6 pm-6 am. Shift changes will occur 5 times a year or approximately every 10 weeks.

Subject to these provisions, the Shift Bidding process shall be as follows:

1. By order of seniority, each officer is to choose one shift in the calendar year and then pass the shift bid sheet onto the next officer with less seniority. This process shall continue until the bids reach the least senior officer, at which time, the bid sheet shall be given back to the most senior officer to begin the process again until all shifts have been picked by officers. An officer's A or B shift rotation shall be determined by their first pick, requiring them to only pick the same rotation for the remainder of that calendar year. This process begins October 1st and shall be completed no later than November 1st. The employer will post the completed shift picks no later than December 1st.
2. Officers shall make every effort to keep the bid sheet moving towards completion. Officers shall have their selection for their bid made within 12 duty hours of receiving the bid sheet. Each time an officer makes his/her selection, they shall initial and record the date/time it was turned over to the next least senior officer.
3. Once a selection has been made for that officer's turn, an officer cannot change that selection for that period.
4. If an officer is scheduled to be off duty for more than three consecutive days when they are

expected to make their selection for that turn on the shift bid sheet; he/she shall designate another officer as their representative so they can record their selection in their absence. The officer shall notify the Union Steward and/or Assistant Steward who they designated as their representative.

5. If an officer fails to make a selection according to the process outlined above, he/she forfeits his/her choice for that turn on the bid sheet. The officer that forfeited that turn on the bid sheet will not be given another bid turn until the bid sheet process returns back to them by order of seniority.
6. If a vacancy in the department causes an opening in the scheduled shifts after the bidding process has been completed, the vacant slot shall be first offered to the most senior officer and continue in order of seniority until the shift vacancy is filled.
7. The shift calendar shall be equally divided into five equal portions.

Section 8.10 Use of Part Time Officers. This section addresses the utilization of part-time public safety officers:

1. The Union recognizes that the Employer has been required to modify its operations as a result of the opening of the new Public Safety Station serving Bay Harbor that became operational in late 2011.
2. Employer may hire part time employees to perform work for the Department of Public Safety, including work of the type that has been previously performed exclusively by members of this bargaining unit at the new Public Safety Station serving Bay Harbor and the Main Station, only if no bargaining unit member accepted the overtime.
3. It is agreed by the Union that the part time positions that are the subject of this agreement shall not be positions in this bargaining unit and that the employees hired by the City to fill the part time positions shall not be subject to any provision of this Collective Bargaining Agreement.
4. It is agreed by the Employer that the hiring of part time employees will not result in the layoff of any full-time bargaining unit member.
5. It is agreed by the parties that the Employer will create a schedule for the part time employees that is separate and distinct from the schedule for bargaining unit members. The bargaining unit schedule will be posted as set forth in Section 8.1 of the Collective Bargaining Agreement. In the event a bargaining unit shift becomes vacant resulting in the need for overtime, the employer will first attempt to fill the vacant shift by offering it to bargaining unit members. If no bargaining unit member accepts the shift, the Employer may fill the vacant shift using a part time employee. This agreement specifically modifies the overtime provisions of Section 8.2.
6. The part time schedule will be created by the Director. In the event that a scheduled part time shift becomes vacant, the Employer will first attempt to fill the vacant shift by offering it to a part time employee. If the shift cannot be filled using a part time employee, the Employer may offer the shift to bargaining unit members.

LEAVES OF ABSENCE

Section 9.1. Seniority Accumulation. Seniority shall continue on all approved leaves of absence unless otherwise specifically provided in one of the leaves of absence sections of this Agreement. Benefits such as vacation, short-term leave and long-term accident-illness leave, and insurance do not accrue or continue during any leave of absence unless otherwise specifically provided in one of the leaves of absence sections of this Agreement.

Section 9.2. Extended and Personal Leave. Extended medical leave will be granted upon written request from the employee for illness or injury, subject to the Employer's right to require medical proof of disability.

A personal leave of absence may be granted at the discretion of and upon approval by the Employer. A request for a personal leave shall be in writing stating the reason for such leave.

Leaves granted under this section shall be without pay and will not be granted until an employee has exhausted his accumulated leave benefits. An employee may be on such leave for a period of not more than twelve (12) months or the length of his seniority, whichever is less, and seniority shall not continue beyond that time, unless otherwise mutually agreed.

Except for leaves of absences covered under the Federal Family and Medical Leave Act, an employee on such leave shall be responsible for payment of his health, and life and accidental death and dismemberment, dental, and optical insurance coverage beginning thirty (30) days after the employee has exhausted all accumulated leave time and is no longer on the active payroll.

Section 9.3. Short-term Leave and Long-term Accident-Illness Insurance. On December 1 of each year each employee shall be given fifty-six (56) hours of short-term leave time that may be used for illness or non-illness reasons. In addition, the Employer shall provide a lost-income insurance program for non-work related illness or injury within the following minimum coverages:

- (a) Up to twenty-six (26) weeks of coverage per illness or injury in any calendar year;
- (b) Disability benefit in an amount of sixty-six and two-thirds percent (66-2/3%) of the employee's gross weekly wage, not to exceed one-thousand dollars \$1,000) per week; and,
- (c) Disability benefit to be effective beginning the seventh consecutive calendar day of illness or the first full day of injury.

The Employer shall continue to pay the cost of the employee's health, life, and optical dental insurance coverages while the employee is receiving disability payments under the insurance plan. At the first full pay period in December or by December 15 of each year, the Employer shall pay each employee for all unused short-term leave time from the preceding year beginning the previous December 1 not to exceed fifty-six (56) hours. Such payment shall be by separate check and at the employee's regular base rate of pay. Employees may not bank short-term leave time.

Section 9.4. Personal Days. Employees may take twenty-four (24) hours of personal time off per calendar year (such leave also is commonly referred to as "floating holidays"). Personal days shall be requested in writing, and approval shall be subject to personnel needs of the

department.

Section 9.5. Workers' Compensation. In the event an employee sustains an injury compensable by workers' compensation, the City will supplement workers' compensation payments to provide normal or usual pay for six (6) months.

Section 9.6. Jury Duty Leave. An employee summoned by the Court to serve as a juror shall be given a jury leave of absence for a period of the employee's jury duty. For each day that an employee serves as a juror when the employee would have otherwise worked, the employee shall receive the difference between the employee's straight time regular rate of pay for eight (8) hours and the amount the employee receives from the Court, including mileage, up to a maximum of two hundred forty (240) hours per year.

Section 9.7: Funeral Leave. When death occurs in an employee's immediate family, the employee, upon request, shall be excused with pay for up to three (3) normally scheduled working days within 7 days immediately following the date of death. For out-of-state funerals, employees shall be excused for up to two (2) additional work days with pay. Immediate family shall be defined as an employee's spouse, children, parent, brother, sister, grandparent, grandchildren, aunt, uncle, current mother-in-law, current father-in-law, current sister-in-law, current brother-in-law, current grandparent-in-law, step-mother, step-father, step-sister, step-brother, step-children, or member of the employee's family living in the employee's household. Time off will be granted to attend the funeral of an employee's relative, other than immediate family. This time may be without pay or may be, at the employee's option, charged against any accumulated sick-leave time.

Section 9.8. Military Leave. The re-employment rights of employees who have served in the military services of the United States shall be in accordance with the Uniformed Services Employment and Re-employment Rights Act.

HOLIDAYS

Section 10.1. Holidays. The following days shall be recognized holidays:

New Year's Day (January 1)	Thanksgiving Day
Memorial Day (Monday observed)	Thanksgiving Friday
Independence Day (July 4)	Christmas Eve (December 24)
Labor Day	Christmas Day (December 25)

Section 10.2. Holiday Pay Eligibility. In order to be eligible for holiday pay, an employee must have worked the employee's last regularly scheduled work day immediately before and immediately after the holiday unless the employee is off duty due to approved leaves that would include vacation, personal, funeral, or compensatory.

Section 10.3. Holiday Pay. Each eligible employee shall receive eight (8) hours of pay at the employee's regular straight-time hourly rate for each recognized holiday. In addition to holiday pay, time and one half (1-1/2) shall be paid for hours of work during a regular scheduled shift on the holiday and double time (2) shall be paid for all work in excess of hours of work in the regular scheduled shift.

VACATIONS

Section 11.1. Vacation Benefits. The schedule of vacation leave time for years of service is as

follows:

1/2 year of service:	40 hours
2 years of service:	80 hours
7 years of service:	120 hours
12 years of service:	160 hours

Section 11.2. Vacation Pay. Vacation pay shall be at the employee's regular rate at the time of eligibility. Eligibility will be determined using the employee's anniversary date of hire. Vacation benefits shall be calculated annually on January 1 for each vacation year. In a year when an employee's service time results in an increase in vacation eligibility, the additional vacation benefit for that year will be calculated on a prorated basis, and the additional prorated vacation time must be used in that calendar year. An employee who works less than 1,800 hours during the employee's anniversary year shall receive vacation leave and pay based on a pro rata formula on the basis of the employee's hours actually worked. For purposes of vacation eligibility, time off from duty for paid vacation and paid sick leave shall be considered as hours worked.

Section 11.3. Vacation Scheduling. Each year, the Employer shall post a vacation schedule on December 1 listing employees' names, seniority and employment anniversary dates. Vacations shall be granted as follows:

- (a) Vacation leave requests must be posted between December 1 and February 1.
 - (1) Vacation time preference for those requests made on or prior to February 1 shall be granted according to employment seniority.
 - (2) Vacation approvals pursuant to this provision will be posted by February 15.
- (b) Any employee who fails to post the employee's vacation time preference by February 1 of each year shall lose the right to exercise seniority privilege for that year, and all requests after February 1 will be considered for approval on a first-request basis.
- (c) Once vacation leave is granted, it may not be revoked except pursuant to paragraph (f) below. Once granted, vacation leave must be taken as vacation leave. An employee may cancel a requested vacation no later than 72 hours before the vacation is scheduled to begin, and work the scheduled shift at the normal rate of pay.
- (d) Employees may split their accrued vacation leave, but seniority privilege shall apply only to one (1) period of the split vacation.
- (e) During the months of June, July, and August, unless otherwise approved by the Director of Public Safety, only a two (2) week maximum vacation period shall be permitted for anyone employee.
- (f) Notwithstanding the procedure set forth above, the Director shall have the right to rescind or deny any request for vacation leave due to exigent or emergency circumstances (the creation of overtime shall not be considered exigent or emergency circumstances). Vacation approval will not be unreasonably withheld.
- (g) For the duration of this agreement, the employees will be permitted to carry over up to 40 hours of accumulated vacation time into the next calendar year. Any vacation time carried over in this manner must be used on or before March 1 of the next calendar

year, or will be forfeited.

(1) The parties agree that this carry over provision may be rescinded by the Employer in the event it is determined that allowing the carryover of vacation poses an undue hardship on the Employer. The Union will be given notice of the rescission, and any vacations already scheduled when the rescission occurs will be permitted.

UNIFORMS AND EQUIPMENT

Section 12.1 Uniforms. The City shall continue to provide uniforms for employees and shall continue to pay cleaning bills for those uniforms on a monthly basis in accordance with rules established by the City. Shoes/boots worn with uniforms shall be of a style, color, and pattern approved by the Director of Public Safety. Each year while this agreement is in effect, the Employer will pay each employee two hundred fifty dollars (\$250) on the first payday in July in the form of a separate check from the employee's regular payroll check.

Section 12.2. Ownership of Property. All uniforms, pistols, and equipment furnished by the City shall remain the property of the City and shall be delivered to the City upon an employee's retirement or the termination of employment.

Section 12.3. Safety Glasses. Employees who normally wear eyeglasses on duty shall be required to wear safety glasses. The City will pay one-half the cost of required glasses (lens and/or frame), but employees shall pay the cost of the examination.

PHYSICAL REQUIREMENTS

Section 13.1. Physical Fitness. Because physical fitness and conditioning are particularly important for public safety operations, employees, as a condition for continued employment, may be required to undergo physical examination on a yearly basis. Exams will be by City physicians at City expense. Employees shall be required to meet physical requirements reasonably related to the ability to meet the physical demands of all public safety duties. The Employer will provide three (3) hours of compensatory-leave time per pay period for physical-fitness activities.

Section 13.2. Medical Examination. The Employer reserves the right to suspend or discharge employees who are not medically fit to perform their duties in a satisfactory manner. Such action shall only be taken if a physical examination performed by a medical doctor of the Employer's choice at the Employer's expense reveals such physical unfitness. If the employee disagrees with such doctor's findings, the employee may, at the employee's own expense, obtain a physical examination from a medical doctor of the employee's choice. Should there be a conflict in the findings of the two doctors, then a third doctor mutually satisfactory to the Employer and the employee shall give the employee a physical examination. The fee charged by the third doctor shall be shared by the Employer and employee and that doctor's findings shall be binding on the employee, Employer, and the Union. The Employer shall attempt, but shall not be bound, to place the employee in another position with the City, provided that the employee meets the qualifications for such position as may be available, and is physically and mentally able to perform such job.

DISCIPLINARY PROCEDURE

Section 14.1. Just Cause. The Employer agrees that all discipline shall be for just cause. Minor offenses, those punishable by oral or written reprimand, shall be treated with progressive

discipline so that an employee will have the opportunity to correct the employee's conduct. However, the Union acknowledges that Public Safety Officers have a public duty to conduct themselves in a manner that will not bring discredit upon the City or department. Major offenses shall be defined as any violation of any department rule which carries a penalty of disciplinary suspension without pay or discharge for the first offense. Penalties for major offenses shall be given in writing stating the infractions. Disciplinary actions shall be administered uniformly. Disciplinary action shall be removed from an employee's personnel file and destroyed after a period of two (2) years provided that the employee maintains an infraction-free record during such two (2) year period. Any employee who is to receive a disciplinary suspension or discharge may have the employee's steward present.

Section 14.2. Waiver. In consideration of the arbitration procedure provided herein, an employee who has a disciplinary grievance submitted to arbitration hereby waives, on behalf of the employee and the Union, the right to participate in any other hearing provided by the City Charter, Civil Service, or Veterans' Preference. An employee or the Union who participates in any other proceeding, hereby waives the right to proceed to arbitration under this Agreement. The intent of this waiver is to avoid multiplicity of forums.

INSURANCES

Section 15.1 Medical and Hospitalization Insurance. Effective January 1, 2015, the City will make available a high-deductible Blue Cross/Blue Shield of Michigan insurance plan for employees and employees' dependents, being Group Number 01208/661. In addition, the Employer will consider other health care alternatives proposed by the employees or the Union, however, the Employer retains the right to refuse to offer any plan that does not provide adequate benefits for the employees, or results in excessive or undue administration by the Employer. The City's participation in payment for health care benefits, including medical, dental and optical benefits, shall be limited to the payment of premiums only, and shall be capped as follows:

Single - \$5,992.30/yr, paid \$499.36/month
Couple - \$12,531.75/yr, paid \$1,044.31/month
Family - \$16,342.66/yr, paid \$1,361.89/month

In the event the premiums to be paid by the Employer are less than the cap amounts, the Employer will deposit the applicable difference between the premium and the cap into the employees' health savings account.

The City's payments will begin on the first day of eligibility in monthly increments toward the Employee's health care premiums. Employees shall pay the balance of all health care costs, including premiums, deductibles, co-pays and contributions to their health savings accounts. The Employee portion of health care premiums, if applicable, shall be deducted from the employee's bi-weekly pay.

The City shall commence payment of its portion of the insurance premiums in accordance with its established policy and all City paid premium percentages shall cease when employment is terminated and at the end of the month in which an employee is placed on layoff or on a leave of absence. The City will continue its portion of premium payments during a medical leave for up to 12 weeks provided that the Employee is eligible under FMLA and the employee's premium payments are made. Health insurance may be also continued in accordance with COBRA upon the employee's payment of the required total premiums.

Employees who have the ability to obtain medical and hospitalization insurance from another

source, may decline such coverage by the City, and the City shall reimburse employees who elect not to participate in the City's program in an amount equal to 50% of the City's cap for single-person coverage.

For subsequent years of this agreement, the City's cap shall be adjusted in accordance with Public Act 152 of 2011.

Section 15.2. Lost-Income Insurance. The City shall provide lost-income insurance in conjunction with the short term leave program for non-work related illness and injury for minimums of up to twenty-six (26) weeks of coverage per illness or injury in any calendar year with such disability benefit in the amount of sixty-six and two-thirds percent (66-2/3%) of the employee's gross weekly wage, not to exceed one-thousand dollars (\$1,000) per week. Such disability benefits shall become effective with the seventh (7th) consecutive calendar day of illness or the first (1st) day of injury.

Section 15.3. Workers' Compensation Insurance. The City shall provide workers' compensation coverage to all employees at no cost to employees.

Section 15.4. Dental Insurance. The City shall provide employees the same dental insurance benefit as provided the City's non-unionized employees, being Blue Cross Blue Shield of Michigan, Group Number 01208/661.

Section 15.5. Optical Insurance. The City shall provide employees the same optical insurance benefit as provided the City's non-unionized employees, being Blue Cross Blue Shield of Michigan, Policy Number 01208/661.

Section 15.6. Life and Accidental Death-Dismemberment Insurance. The City shall provide, at the City's expense, term life insurance coverage inclusive of accidental death and dismemberment benefits, in the amount of twenty-five-thousand dollars (\$25,000) for each employee. Effective January 1, 2005, such benefit shall be increased to fifty-thousand dollars (\$50,000).

Section 15.7. Coverage During Short Term Leave. The City shall continue to pay its share of the costs of employees' health, life and accidental death and dismemberment, dental, and optical insurance coverages while employees are receiving disability benefits under the short term leave insurance plan.

Section 15.8. Coverage During Workers' Compensation Leave. The City shall continue to pay its share of the costs of the employees' health, life and accidental death and dismemberment, dental, and optical insurance coverages while employees are receiving disability benefits under the workers' compensation program for a maximum of twenty-four (24) months.

Section 15.9. Coverage During Layoff. When employees are laid off, the City will pay its share of the next two (2) monthly premiums for health, life and accidental death and dismemberment, dental, and optical insurance coverages. Employees shall be responsible for costs of coverages beyond two (2) payments in accordance with provisions of the Federal Consolidated Omnibus Budget Reconciliation Act, as amended.

Section 15.10. Changes in Providers. The City shall have the right to change insurance providers if there is no decrease in benefits. The City shall give notice of such changes prior to implementation.

RETIREMENT

Section 16.1 Pension Plan. Pursuant to the Arbitration Award of August 1, 2019, bargaining unit employees hired prior to January 1, 2012 shall be covered under the Michigan Municipal Employees' Retirement System (MMERS) Plan B-4, inclusive of the F50/25 and FAC3 riders. Prior to August 1, 2019, these employees shall pay three percent (3%) of their wages toward the retirement plan. From August 1, 2019 through December 31, 2019, these employee payments shall increase to four percent (4%) of wages, and to four and one-half percent (4.5%) of wages beginning on January 1, 2020.

Any employee hired on or after January 1, 2012 shall be covered under the Michigan Municipal Employees' Retirement System (MMERS) Plan B-2, inclusive of the F50/25 and FAC3 riders. The Employer shall pay the full cost of this retirement coverage.

Section 16.2. Deferred Compensation. The City shall offer those employees who request it the opportunity to participate in the International City/County Management Association's Retirement Corporation, a deferred compensation program for municipal employees permitting employees to defer a portion of their salaries. Contributions shall be made only by the employee.

MISCELLANEOUS

Section 17.1. Public Safety Concept. All employees covered by this Agreement acknowledge and pledge their support of the concept of combined police, fire, and emergency-medical services and their commitment to the Employer's goal of maintaining a service-integrated and cross-trained Department of Public Safety, and agree to obtain and maintain certifications as are issued by the State of Michigan for proficiency in law enforcement, firefighting and emergency-medical techniques. The City shall be responsible for costs associated with obtaining and maintaining such certifications. Employees further recognize that the City Manager's decision in 1988 to establish a Department of Public Safety was to provide enhancements and efficiencies in services, as well as long-range operating economies through future cost avoidance. Employees, therefore, certify their understanding that the Employer must consider cost benefits and that, while the Employer will recognize that employees deserve consideration of their individual achievements in obtaining and maintaining certifications within the various public-safety vocational disciplines, employees recognize that such consideration must remain economically viable for the Employer so that costs for such integrated services can be justified.

Section 17.2. Residency. All employees covered by the Agreement on the effective date of this Agreement, shall be required to have telephone service and shall maintain their residences either within the corporate limits of the City of Petoskey or within parameters as established by law, currently 20 (twenty) miles from the City's corporate limits.

Section 17.3. Educational Benefit. Officers desiring to improve their educational qualifications during their off-duty hours shall be reimbursed one-half (1/2) of their tuition cost upon satisfactory completion of courses which have been approved in advance by the Director of Public Safety as having appropriate relevance to the field of professional public-safety work.

Section 17.4. Captions. The captions used in each section are for the purpose of identification only and are not a substantive part of this Agreement.

Section 17.5. Gender. Reference to any gender shall equally apply to the other and vice versa.

Section 17.6. Separability. In the event that any section of this contract shall be declared invalid or illegal, such declaration shall in no way affect the validity or legality of the remaining provisions.

Section 17.7. Waiver. It is the intent of the parties hereto that the provisions of this Agreement, which supersedes all prior agreements and understandings, oral or written, express or implied, between such parties, shall govern their entire relationship and shall be the sole source of any and all claims which may be asserted in arbitration hereunder, or otherwise. The parties acknowledge that, during the negotiations which resulted in this Agreement, each had the unlimited right and opportunity to make demands and proposals with respect to any subject or matter not removed by law from the area of collective bargaining, and that the understanding and agreements arrived at by the parties after the exercise of that right and opportunity are set forth in this Agreement. Therefore, the Employer and the Union, for the life of this Agreement, each voluntarily and unqualifiedly waives the right, and each agrees that the other shall not be obligated, to bargain collectively with respect to any subject or matter referred to, or covered in this Agreement, or with respect to any subject not specifically referred to or covered in this Agreement, even though such subject or matter may not have been within the knowledge or contemplation of either or both of the parties at the time they negotiated or signed this Agreement.

Section 17.8. Liability Insurance Coverage. Employees shall be provided liability insurance coverage for work related matters to the extent and under the terms of the City's then existing insurance policy.

DURATION

Section 18.1. Term of Agreement. This Agreement shall remain in full force and effect until midnight, December 31, 2020. It shall be automatically renewed from year to year thereafter unless either party notifies the other in writing at least ninety (90) days prior to the termination date above that modification or termination is desired.

CITY OF PETOSKEY

By: Robert Straebel
Its: City Manager

Dated: _____

By: _____

Its: _____

Dated: _____

MICHIGAN FRATERNAL ORDER OF
POLICE LABOR COUNCIL

By: Steven Warren
Its: FOPLC Business Agent

Dated: 11/18/2015



By: Lawrence Donovan

Its: Union Steward

Dated: 11-13-19

APPENDIX A

Classifications and Wage Rates. Pursuant to the Arbitration Award of August 1, 2019, the following hourly base wage rates shall be effective the first full period on or after January 1, 2018 and shall be adjusted annually as set forth below.

Classification	<u>2018</u>	<u>2019</u>	<u>2020</u>
Grade I - Entry Level			
Public Safety Officer	\$ 21.56	\$21.99	\$22.21
Grade II - Effective at end of first			
12 months of employment	\$26.74	\$27.27	\$27.54
Grade III - Effective at end of first			
24 months of employment	\$28.40	\$28.97	\$29.26
Grade IV - Effective at end of first			
36 months of employment	\$ 33.01	\$33.67	\$34.01

Considerations. The City reserves the right to evaluate prior experience, age, education, and training of any applicant for a Public Safety Officer position and may, at the discretion of the City Manager, hire new Public Safety Officer applicants at grades other than that of Grade I - Entry Level Public Safety Officer, but exclusive of Grade IV Public Safety Officer.

MEMORANDUM OF UNDERSTANDING RE: INSURANCE

This Memorandum of Understanding is entered into this ____ day of October, 2019 between the CITY OF PETOSKEY (hereinafter "Employer"), and the MICHIGAN FRATERNAL ORDER OF POLICE LABOR COUNCIL (hereafter "Union").

The parties acknowledge and agree that several of the Insurance sections in the current Collective Bargaining Agreement do not accurately describe the insurance coverage being provided to the City Employees, including members of this bargaining unit. The parties further acknowledge and agree that the last collective bargaining process did not address the inaccuracies set forth in the contract. In order that the current contract language accurately reflects the types and levels of benefits that are being provided by the Employer, the parties agree that the language in this Memorandum of Understanding amends the current collective bargaining agreement as follows:

Section 15.1 Medical and Hospitalization Insurance.

Effective January 1, 2015, the City will make available a high-deductible Blue Cross/Blue Shield of Michigan insurance plan for employees and employees' dependents, being Group Number 01208/661, or a comparable plan offered by Blue Cross/Blue Shield or another provider. In addition, the Employer will consider other health care alternatives proposed by the employees or the Union, however, the Employer retains the right to refuse to offer any plan that does not provide adequate benefits for the employees, or results in excessive or undue administration by the Employer. The City's participation in payment for health care benefits, including medical, dental and optical benefits, shall be limited to the payment of premiums only, and shall be capped in accordance with Public Act 152 of 2011. For 2019, the caps are as follows:

Single - \$6,685.17/yr, paid \$557.10/month
Couple - \$13,980.75/yr, paid \$1,165.06/month
Family - \$18,232.31/yr, paid \$1,519.40/month

. For 2020, the caps are as follows:

Single - \$6,818.87/yr, paid \$568.30/month
Couple - \$14,260.37/yr, paid \$1,188.36/month
Family - \$18,596.96/yr, paid \$1,549.75/month

In the event the premiums to be paid by the Employer are less than the cap amounts, the Employer will deposit the applicable difference between the premium and the cap into the employees' health savings account.

The City's payments will begin on the first day of eligibility in monthly increments toward the Employee's health care premiums. Employees shall pay the balance of all health care costs, including premiums, deductibles, co-pays and contributions to their health savings accounts. The Employee portion of health care premiums, if applicable, shall be deducted from the employee's bi-weekly pay.

The City shall commence payment of its portion of the insurance premiums in accordance with its established policy and all City paid premium percentages shall cease when employment is terminated and at the end of the month in which an employee is placed on

layoff or on a leave of absence. The City will continue its portion of premium payments during a medical leave for up to 12 weeks provided that the Employee is eligible under FMLA and the employee's premium payments are made. Health insurance may be also continued in accordance with COBRA upon the employee's payment of the required total premiums.

Employees who have the ability to obtain medical and hospitalization insurance from another source, may decline such coverage by the City, and the City shall reimburse employees who elect not to participate in the City's program in an amount equal to 50% of the City's cap for single-person coverage.

For subsequent years of this agreement, the City's cap shall be adjusted in accordance with Public Act 152 of 2011.

Section 15.4. Dental Insurance. The City shall provide employees the same dental insurance benefit as provided the City's non-unionized employees, being Blue Cross Blue Shield of Michigan, Group Number 01208/661, or a comparable plan offered by Blue Cross/Blue Shield or another provider.

Section 15.5. Optical Insurance. The City shall provide employees the same optical insurance benefit as provided the City's non-unionized employees, being Blue Cross Blue Shield of Michigan, Policy Number 01208/661, or a comparable plan offered by Blue Cross/Blue Shield or another provider.

CITY OF PETOSKEY

By: Robert Straebel
Its: City Manager

Date: _____

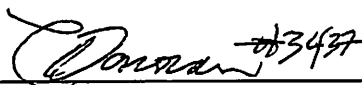
By: _____
Its: _____
Dated: _____

MICHIGAN FRATERNAL ORDER OF POLICE LABOR COUNCIL



By: Steven Warren
Its: FOPLC Business Agent

Date: 11/18/2019



By: Lawrence Donovan
Its: Union Steward
Dated: 11.13.19



City of Petoskey

Agenda Memo

BOARD: City Council

MEETING DATE: December 2, 2019

PREPARED: November 26, 2019

AGENDA SUBJECT: City Council 2020 Meeting Schedule Resolution

RECOMMENDATION: That the City Council adopt this proposed resolution

Requirement Several times each year, the City Council has cancelled and/or rescheduled routine first and third meetings of the month to avoid conflicts with various holidays. Enclosed is a proposed resolution that would set the 2020 regular meeting schedule of the City Council that would avoid the necessity for cancellations or rescheduled meetings and that would also serve to make the public aware well in advance of meeting dates.

Action In years past, conflicted meeting dates have been canceled completely or have been rescheduled as is proposed in the enclosed resolution that lists specific meeting dates for 2020 City Council meetings. The City Council will be asked to adopt this proposed resolution, although the City Council might wish to schedule its meetings differently than the resolution has provided (the City staff has no preference).

sb
Enclosure



City of Petoskey

Resolution

WHEREAS, Section 4.4 of the City Charter governing City Council meetings requires the City Council to meet regularly, preferably in the City Council Chambers in the City Hall, on the first and third Mondays of each month; and

WHEREAS, due to the holidays certain scheduling conflicts preclude the City Council from holding meetings on the first and third Mondays of each month; and

WHEREAS, the City Council desires to establish a regular meeting schedule in accordance with the requirements of Section 4.4 of the City Charter for the 2020 calendar year:

NOW, THEREFORE, BE IT RESOLVED that the City Council shall hold its regular meetings in the City Council Chambers in the City Hall on the following dates in 2020:

Monday, January 6
Monday, January 20
Monday, February 3
Monday, February 17
Monday, March 2
Monday, March 16
Monday, April 6 (No Meeting)
Monday, April 20
Monday, May 4
Monday, May 18
Monday, June 1
Monday, June 15
Monday, July 6
Monday, July 20
Monday, August 3
Monday, August 17
Monday, September 7 (No Meeting)
Monday, September 21
Monday, October 5
Monday, October 19
Monday, November 2
Monday, November 16
Monday, December 7
Monday, December 21



City of Petoskey

Agenda Memo

BOARD: City Council

MEETING DATE: December 2, 2019

PREPARED: November 26, 2019

AGENDA SUBJECT: Discussion with Possible Changes to the City Application for Boards and Commissions

RECOMMENDATION: That the City Council discuss with direction to staff

Background The Mayor and a Councilmember have requested an agenda item to discuss the "Application to Serve on a Board or Commission."

See enclosed application.

Action That City Council discuss and provide direction to staff on any possible revisions to the "Application to Serve on a Board or Commission."

rs
Enclosure



City of Petoskey

101 East Lake Street, Petoskey, Michigan 49770 • 231 347-2500 • Fax 231 348-0350

Application to Serve on a Board or Commission

Please **print**. Answer each question accurately and completely. If you require any accommodation to complete the application process, please notify a City staff member.

■ Name	<table border="1"><tr><td></td><td></td><td></td></tr><tr><td>Last</td><td>First</td><td>Initial</td></tr></table>				Last	First	Initial	■ Date	<table border="1"><tr><td></td><td></td><td></td></tr></table>							
Last	First	Initial														
■ Residence Address	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td>Number</td><td>Street</td><td>City</td><td>State</td><td>Zip</td></tr></table>						Number	Street	City	State	Zip	■ Home Phone	<table border="1"><tr><td></td><td></td><td></td></tr></table>			
Number	Street	City	State	Zip												
■ Email Address	<table border="1"><tr><td></td></tr></table>		■ Work Phone	<table border="1"><tr><td></td><td></td><td></td></tr></table>												

Please answer the following questions using the space provided.

1. What Board or Commission interests you and why are you applying? _____

2. How do you believe your appointment would benefit the City? _____

3. Describe any involvement in the community on a Board or Commission or in another volunteer capacity. _____

4. How many continuous years have you lived in Petoskey? _____
5. Any other helpful information relevant to your application. _____

While it is not required, a resume is helpful in the recruitment process for City Boards and Commissions.

- ☐ YES ☐ NO Are you a registered voter?
- ☐ YES ☐ NO Are you currently in default of taxes or fines to the City of Petoskey?
- ☐ YES ☐ NO Do you or immediate family members currently serve on a City Board or Commission? If yes, which Board or Commission? _____
- ☐ YES ☐ NO Have you ever been convicted of a felony? If yes, please explain.

The applicant acknowledges that the City may be required from time to time to release records in its possession. The applicant hereby gives permission to the City to release any records or materials received by the City from the applicant as it may be requested to do so as permitted by the Freedom of Information Act, MCL 15.231 et seq.

Applicant Signature: _____ Date: _____

Thank you for taking the time to complete this application. The people who serve on the City's Boards and Commissions perform a valuable service to the City. I will contact you if a vacancy arises on a Board or Commission in which you have an interest.

John Murphy
Mayor

Please return your completed application to:

City of Petoskey
Attn: City Manager's Office
101 East Lake Street
Petoskey, MI 49770