



## CITY COUNCIL

April 15, 2019

A regular meeting of the City of Petoskey City Council was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, April 15, 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  
Grant Dittmar, City Councilmember  
Lindsey Walker, City Councilmember

Absent: Kate Marshall, City Councilmember and Suzanne Shumway, City Councilmember

Also in attendance were City Manager Robert Straebel, Clerk-Treasurer Alan Terry, Public Works Director Michael Robbins, Parks and Recreation Director Kendall Klingelsmith, Downtown Director Becky Goodman and District Library Director Valerie Meyerson.

### **Hear Line 5 Pipeline For Love of Water (FLOW) Presentation**

Leonard Page, a representative from For Love of Water (FLOW) gave a brief presentation concerning Enbridge's Line 5 Pipeline. Mr. Page reviewed that he was part of the Cheboygan Straits of Mackinac Alliance and presenting on behalf of FLOW located in Traverse City; reviewed history of pipeline and current actions; that the State Attorney General declared the tunnel plan invalid; reviewed construction and materials used for tunnel; that an emergency containment plan is being fought in a separate lawsuit; and that it is unknown where the State and Enbridge currently are in the matter but he believes they may be negotiating a new agreement.

City Councilmembers inquired if FLOW was asking for a resolution opposing Line 5; heard inquiries if the Governor and Attorney General were the sole decision makers; and inquired that some organizations are opposed to tunnel because Line 5 remains open during construction and if there are other reasons.

Mr. Page responded he would ask FLOW organization about a resolution; that the Governor and Attorney General are the decision makers within the waterway; and that the State controls the Straits and everything else is controlled by the Federal government.

### **Hear District Library Presentation**

District Library Director Val Meyerson made a brief presentation concerning the Petoskey District Library and reviewed 2018 statistics and operations. Ms. Meyerson reviewed that there was a 7% increase in card holders; a 17% increase in circulation; that the Carnegie building received a new roof; that RFID technology was implemented for easy checkouts; and reviewed various outreach programs for children, adults and seniors.

City Councilmembers inquired how the Library utilizes the Carnegie building and what ages can participate in the tutoring programs.

Ms. Meyerson responded that the Carnegie building is used for meetings, programming and classes and reviewed tutoring for children between for 1<sup>st</sup> through 3<sup>rd</sup> grades.

**Hear Earth Day Proclamation**

Mayor Murphy read the following proclamation concerning Earth Day:

**Earth Day 2019**

WHEREAS, most scientific research, both here and abroad, informs us that our global community now faces extraordinary challenges such as increasingly numerous extreme weather events, environmental and climate changes, food and water shortages, and global health issues; and

WHEREAS, Earth Day was founded in 1970 as an American day of education and action regarding environmental issues, but which is now celebrated with a global focus on green issues of importance to all peoples, regardless of race, gender, income, or geography, who have a moral right to a healthy, sustainable environment; and

WHEREAS, it is understood that the citizens of our global community must step forward and take action to create positive environmental change to combat these global challenges; and

WHEREAS, a sustainable environment can be achieved on the individual level through educational efforts, public policy and consumer behavior changes; and

WHEREAS, it is necessary to broaden and diversify the environmental movement to achieve maximum success:

NOW, THEREFORE BE IT RESOLVED, that I, John Murphy, Mayor of the City of Petoskey, hereby pledge to use this Earth Day, April 22, 2019, as a reminder of our duty to serve the best interests of our constituents by supporting environmental initiatives in the City of Petoskey, and to encourage others to undertake similar actions.

Frank and Dottie Hawthorne, members of the Sierra Club, reported that there will be various Earth Day events open to the public from 5:00 – 8:00 P.M., Monday, April 22, at the Red Sky Stage.

**Consent Agenda - Resolution No. 19286**

Following introduction of the consent agenda for this meeting of April 15, 2019, City Councilmember Dittmar moved that, seconded by City Councilmember Walker adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the March 18, 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 March 18, for contract and vendor claims at \$959,416.71 intergovernmental claims at \$0, and the March 21 and April 4 payrolls at \$385,765.47, for a total of \$1,345,182.18 be and is hereby acknowledged.

Said resolution was adopted by the following vote:

AYES: Dittmar, Walker, Murphy (3)

NAYS: None (0)

**Hear Public Comment**

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

### **Hear City Manager Updates**

The City Manager reported that the City Planner received development plans for an expansion of Harbor Hall that includes two new buildings on the former Fabiano property, a clinic/treatment housing building and a multi-family apartment, and a conceptual review will be conducted at the April 18 Planning Commission meeting; that the City recently received confirmation that Petoskey is a Tree City U.S.A. community; that staff is working with MPPA on a renewable energy resolution with five-year benchmarks to set realistic percentages with a goal of being 100% renewable by 2040; reported that the structural components of the MDOT retaining wall in Bayfront Park is completed; that highway work is progressing with focus near Lake and Mitchell Street intersections; that the detour moved this afternoon to accommodate the next phase of highway work; that Howard Street between Lake and Mitchell will be closed tomorrow to install a new water line for the downtown bathrooms; reviewed that at the special April 11 Planning Commission meeting Commissioners discussed various issues regarding locating medical marijuana provisioning centers within the community; that Charlevoix, Antrim, Kalkaska and Emmet Conservation District (CAKE) will be hosting an invasive species presentation on April 24 from 6:00-7:00 P.M. to better educate property owners, especially along the Bear River Valley, about the importance to treat both swallow wort and knotweed; that brush chipping and disposal has begun and will be provided on the first and third Monday of each month beginning in April through November; and that the City will collect small yard waste weekly, every Thursday beginning April 4 through May 30 and reminded citizens not to place waste in streets.

City Councilmembers inquired if chipping was completed curbside, inquired on the spring cleanup dates and when street would be painted in downtown.

The Public Works Director responded that chipping is done curbside; that spring cleanup dates have been set for the week before and after Memorial Day and are available on the City's website; and that staff is anticipating painting crosswalks in three weeks after street sweeping.

Mayor Murphy asked for public comments and heard comments in favor and opposed to medical marijuana provisioning centers; a citizen commended the City for the positive Tree City community designation; heard inquiries on how the number of provisioning centers were decided; heard comments on why municipalities are opposed to use of medical marijuana and shared personal stories from Colorado with no issues; heard inquiries on why City would allow provisioning centers that don't fit family-friendly lifestyle and will be near children; heard from those opposed to allowing marijuana establishments downtown; that youth will be able to obtain marijuana more easily if allow provisioning centers, especially downtown; heard from those that think Petoskey is quaint and would hate to see marijuana establishments ruin the community feel; heard an inquiry on what the City Attorney's position is on matter; heard comments that medical marijuana provisioning centers negatively affect youth; heard from a citizen who is alarmed that the City is not opting out; and that it is a bait and switch with allowing medical marijuana and then recreational marijuana will follow later.

The City Manager responded that City Council decides on regulations of medical marijuana not the City Attorney.

### **Board of Review Appointments – Resolution No. 19287-19288**

Mayor Murphy reviewed that City Council consider possible reappointments to the Board of Review.

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

BE IT RESOLVED that the City Council does and hereby approves the reappointment of William Meengs, 724 Grove Street, to the Board of Review for a three-year term ending April 2022.

Said resolution was adopted by the following vote:

AYES: Dittmar, Walker, Murphy (3)

NAYS: None (0)

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

BE IT RESOLVED that the City Council does and hereby approves the reappointment of Joel Wurster, 909 Spruce Street, to the Board of Review for a three-year term ending April 2022.

Said resolution was adopted by the following vote:

AYES: Dittmar, Walker, Murphy (3)

NAYS: None (0)

**ZBA Appointment – Resolution No. 19289**

Mayor Murphy reviewed that City Council consider a possible reappointment to the Zoning Board of Appeals.

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

BE IT RESOLVED that the City Council does and hereby approves the reappointment of Robert S. Morrison, 740 Lockwood Avenue, to the Zoning Board of Appeals for a three-year term ending April 2022.

Said resolution was adopted by the following vote:

AYES: Dittmar, Walker, Murphy (3)

NAYS: None (0)

**First Reading of a Proposed Ordinance Prohibiting Recreational Marijuana Establishments**

The City Manager reviewed that City Council discussed both recreational and medical marijuana at their February 18, 2019 meeting and voted 4-1 to allow medical marijuana establishments, and requested the Planning Commission to research and recommend 3-4 provisioning centers in 1-2 locations and address signage and hours of operation. The City Manager further reviewed the Michigan Regulation and Taxation Marijuana Act (MRTMA) and that it legalizes at the State level (not federal) the recreational use and possession of marijuana; reviewed the regulatory process to permit and license certain types of marijuana establishments; that MRTMA requires a community adopt an ordinance opting out if the community wishes to prohibit the formation and operation of recreational marijuana establishments within the community; that if a community does not opt out then recreational marijuana establishments can be located and licensed by the State if an application is approved by the Department of Licensing and Regulatory Affairs (LARA); that LARA must begin accepting applications for licenses before December 6, 2019; reviewed that MRTMA states for the first 24 months after LARA begins accepting applications for marijuana establishment licenses, only those persons holding a medical marijuana license may apply for a retail, processor, class B or class C grower or secure transport license issued under the MRTMA; that the City could be in a bind if don't opt out since it would be lacking zoning and license regulations for recreational marijuana establishments; that staff and the City Attorney recommend opting out of recreational marijuana to maintain local control until the State establishes rules and regulations; and reviewed that nothing under the Act prohibits a city from opting in at a later date, even if the community initially decided to opt out.

City Councilmembers expressed support of the proposed ordinance and concurred that it is the responsible thing to do at this time in the process.

Mayor Murphy asked for public comments and heard from those in favor and opposed to the City opting out; heard comments that licensing fees are capped; that by allowing recreational marijuana establishments more customers and traffic will be in town; that LARA has a lot of issues that need to be finalized; and heard from a citizen complimenting staff for waiting until laws are written.

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

**Authorize Tree Planting Contract – Resolution No. 19290**

The City Manager reviewed that the 2019 Annual Budget included monies for planting of trees and shrubs within street green lawns and public spaces as new or replacement trees. The City Manager further reviewed that this tree planting initiative is part of the City’s overall Forestry Program that includes trimming, maintenance and tree and stump removal of City owned trees.

Mayor Murphy asked for public comments and heard a comment on what type of trees will be planted on Rose Street and why nut or fruit bearing trees aren’t included in the plantings.

City Councilmember Dittmar moved that, seconded by City Councilmember Walker to authorize to contract with David Hoffman Landscaping and Nursery, Inc., Petoskey, in the amount of \$22,165, for planting of trees throughout the City.

Said motion was adopted by the following vote:

AYES: Dittmar, Walker, Murphy (3)

NAYS: None (0)

**Council Comments**

Mayor Murphy thanked citizens for attending tonight’s meeting.

**Authorize Closed Session – Resolution No. 19291**

City Council was being asked to adopt a resolution that would recess to a closed session pursuant to Section 8(c) of the Michigan Open Meetings Act, to consider strategy and negotiations of a collective bargaining agreement.

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

WHEREAS, the City Manager has requested that the City Council recess to a closed session, pursuant to Section 8(c) of the Michigan Open Meetings Act, to consider strategy and negotiations of a collective bargaining agreement, following the conclusion of routine business at the City Council's regular meeting of April 15, 2019:

NOW, THEREFORE, BE IT RESOLVED that the City Council does and hereby authorizes to recess to a closed session, to consider negotiations of a collective bargaining agreement.

Said resolution was adopted by the following vote:

AYES: Dittmar, Walker, Murphy (3)

NAYS: None (0)

Recessed to closed session at 8:45 P.M.

Reconvened into open session at 9:05 P.M.

There being no further business to come before the City Council, this April 15, 2019, meeting of the City Council adjourned at 9:10 P.M.

John Murphy, Mayor

Alan Terry, Clerk-Treasurer