



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