



CITY COUNCIL

December 2, 2019

A regular meeting of the City of Petoskey City Council was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, December 2, 2019. This meeting was called to order at 7:08 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 and Downtown Director Becky Goodman.

Consent Agenda - Resolution No. 19350

Following introduction of the consent agenda for this meeting of December 2, 2019, City Councilmember Shumway 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 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 November 18, 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 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 there were no comments.

Hear City Manager Updates

The City Manager reported that City Hall experienced water intrusion on the east and north side of the building and that staff is working with the project architect to isolate the exact location and cause of the water issues and researching options in how to mitigate these impacts in 2020; that the City in partnership with Bear Creek and Resort Townships are working on developing a 17-acre parcel on the corner of McDougal and Click Road for a future dog park and that the Parks and Recreation Commission is in support of the concept of a community dog park; reviewed shoreline erosion issues between Magnus Park and East Park and Bayfront Park; that the City received a grant for \$15,000 from the Petoskey Harbor Springs Area Community Foundation to offset costs associated with a feasibility/constructability study for a potential solar array project at the City-owned Howard Road landfill; and that the City also received an \$11,500 DNR Forestry Grant to complete a street/park tree inventory and forestry management plan.

City Councilmembers inquired if land owners had been contacted on the proposed community dog park; inquired if there were any shoreline erosion grants available; and inquired how the solar project will be funded.

The City Manager responded that he is unaware if dog park property owner has been contacted since it resides in Bear Creek Township; that communities are looking to legislators for FEMA funding concerning erosion issues; and that the Electric Fund is funding the solar array project with only a study being completed for 2020.

Approve Ordinance 774 Amending Appendix A – Zoning Ordinance – Resolution No. 19351

The City Planner reviewed that this was a second reading of a proposed ordinance and 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.

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

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 2nd day of December 2019.

Said ordinance was adopted by the following vote:

AYES: Marshall, Shumway, Dittmar, Walker, Murphy (5)
NAYS: None (0)

Discuss 2019 Draft Action Plan

The City Manager reviewed that on October 14, 2019 City Council and staff met to discuss an update to the 2018 Action Plan; reviewed the six proposed goals in detail; and that changes were based on direction given by Council at the special meeting.

City Councilmembers discussed placing the document on the City’s website soliciting public comment; inquired if a MERS payment could be reduced if necessary; discussed sustaining wage increases for future years; inquired on upper floor obstacles and three-story height restrictions on Emmet Street; and discussed downtown parking issues.

Mayor Murphy asked for public comments and heard that Ann Arbor has a density variance for lower cost housing; that staff should explore looking at City Hall being removed due to inefficiencies; that additional downtown parking may work better at the Darling Lot; that fire inspections need attention from owners not lessors; heard inquires if solar panel funding would see net gains in future years; and that the bike trail erosion should be rectified sooner than later.

First Reading of Proposed Ordinance Amending Chapter 8, Article VIII Concerning Mobile Food Vending

The City Manager reviewed that the mobile food vending ordinance that City Council approved in June of 2018 expires on December 31, 2019; that staff recommended changes to the pilot program based upon experience with the program over the last 17 months; that the changes include removing the designated public areas, allowing mobile food units on public or private property when associated with a City approved public or private event, that vending on private property shall only occur in business or industrial areas and must include a parking plan review, that vending not be allowed in residential zoned districts, and that fees be streamlined with only one annual fee of \$100 which would expire at the end of each calendar year.

City Councilmembers inquired if the public safety inspection was redundant to the health department inspection; inquired on the difference between a food truck at a private residential event vs. catering; heard from those in favor of allowing private events in residential districts; and discussed that catering is not public sales, limited hours and usually finished in a day.

Mayor Murphy asked for public comments and heard an inquiry on the difference between hosting and vending in a residential neighborhood; inquired if a parking plan would have to be reviewed if private event is located in Central Business District; and inquired if a food truck at a hotel property would be allowed.

City staff responded that public safety inspects for safety reasons and health department is more for cleanliness; that if a private event was located downtown then a parking plan review would be required; and that food trucks on hotel property would be considered a private event with staff review.

City Council will be provided a revised ordinance at the next regular scheduled meeting.

Approve FOPLC Public Safety Officers 2018-2020 Contract – Resolution No. 19352

The City Manager reviewed that after completing 312 Arbitration, the City's negotiation team along with representatives for the FOPLC full-time, non-supervisory PSO division agreed to a three-year contract beginning on January 1, 2018 with an expiration date of December 31, 2020. The City Manager reviewed some of the contract highlights including use of part-time employees, uniforms, medical and hospitalization insurance, pension plan increases and wage increases.

City Councilmember Shumway moved that, seconded by City Councilmember Walker adoption of the following 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.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Approve 2020 Meeting Schedule – Resolution No. 19353

The City Manager next reviewed the proposed City Council meeting schedule for 2020 and noted two cancellations due to the same timing as Petoskey School's spring break and Labor Day holiday. The City Manager also noted that dates were flexible if any Councilmembers had concerns.

City Councilmembers inquired on the dates for the 2020 Ward and City Conventions.

Staff responded that an email will be sent with 2020 convention dates.

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

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Discussion Concerning Board and Commission Application

The City Manager reviewed that the Mayor and a Councilmember requested an agenda item to discuss the Application to Serve on a Board or Commission.

City Councilmembers discussed the four questions at the bottom of the form which included being a registered voter, currently in default of taxes or fines to the City, if applicant or immediate family member currently serves on a City Board or Commission and if applicant has ever been convicted of a felony. Councilmembers concurred to eliminate the in default of taxes and felony questions.

Council Comments

Mayor Murphy asked for Council comments and Councilmember Walker commented that she was happy to see Goal 6 in the 2019 Draft Action Plan concerning affordable housing since it is an ongoing issue. Councilmember Shumway commended DPW staff and their efforts on the erosion issues. Councilmember Marshall inquired on public restrooms along the waterfront being available during the winter season. Mayor Murphy reminded the audience of the Downtown Open House on Friday, December 6.

There being no further business to come before the City Council, this December 2, 2019, meeting of the City Council adjourned at 9:00 P.M.

John Murphy, Mayor

Alan Terry, Clerk-Treasurer