



CITY COUNCIL

January 6, 2020

A regular meeting of the City of Petoskey City Council was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, January 6, 2020. 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, as part of the City Council's annual organizational meeting, the City Clerk-Treasurer administered oaths of office to Mayor-elect John Murphy, and City Councilmembers-elect Kate Marshall and Brian Wagner, following their elections to the City Council at the General Election of November 5, 2019. A roll call then determined that the following were

Present: John Murphy, Mayor
Kate Marshall, City Councilmember
Suzanne Shumway, City Councilmember
Brian Wagner, City Councilmember
Lindsey Walker, City Councilmember

Absent: None

Also in attendance were City Manager Robert Straebel, Clerk-Treasurer Alan Terry, Parks and Recreation Director Kendall Klingelsmith and Downtown Director Becky Goodman.

Consent Agenda - Resolution No. 19362

Following introduction of the consent agenda for this meeting of January 6, 2020, City Councilmember Marshall moved that, seconded by City Councilmember Wagner adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the December 16, 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 December 16, for contract and vendor claims at \$1,427,518.71, intergovernmental claims at \$2.32, and the December 26 payroll at \$199,673.18, for a total of \$1,627,194.21 be and is hereby acknowledged.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Hear Public Comment

Mayor Murphy asked for public comments and heard from Brent Huntman, 722 Harvey Street, concerning an issue with current legislative affairs and the war with Iran and requested that City Council pass a Declaration of Peace. Mayor Murphy reviewed the proclamation process and Councilmembers Marshall, Shumway and Walker being in support of a proclamation to be reviewed at a future meeting.

Hear City Manager Updates

The City Manager reported that MPPA representatives will present to Council in February a strategic plan on how to transition to 100% renewable energy and will also discuss a newly formed Accelerated Renewable Energy Service Committee for MPPA members with aggressive renewable energy goals; that the City received four bids for the Kalamazoo Avenue street reconstruction project and Council will be asked to approve the low bidder at the January 20 meeting; that bids for Jackson Street reconstruction are due late January and will be brought forward in February; that the Governor does not need to review ballot language for both the marijuana referendum and initiative and the two issues will be on the ballot for the March 10, 2020 Presidential Primary election; reviewed the status and responses from legislators concerning letters that staff sent requesting State of Emergency for Michigan’s coastlines as a result of erosion issues; reviewed that the Planning Commission held a public hearing on a request to rezone 112, 116, 118, and 124 East Mitchell Street (Family Video property) to B-2A Transitional Business District, which this block is included in the Downtown Parking Exempt District, that Planning Commission voted 4-4 on a resolution that would recommend a change by Council and that staff recommended City Council not consider the zoning change until the Planning Commission weighed in on the parking exempt issue; and that there were some inquiries at the last Planning Commission meeting regarding Robert’s Rules of Order and that staff is researching training options regarding parliamentary procedures to better educate Boards and Commissions.

City Councilmembers inquired if Ric Evans with Groundworks would be present at the MPPA presentation in February; inquired that decentralized energy, as well as coal, wind and solar could be discussed by MPPA; and discussed proposed project at Family Video property and if the property could be zoned PUD.

The City Manager responded that he would invite Ric Evans to the Council meeting.

Elect Mayor Protempore - Resolution No. 19363

Mayor Murphy reported that, as required by City Charter provisions, the City Council was being asked to elect from its members a Mayor Protempore who would serve in the absence or incapacity of the Mayor, and then requested nominations for this position. Mayor Murphy then nominated, supported by City Councilmember Walker, that City Councilmember Marshall be appointed as Mayor Protempore and that the following resolution be adopted:

BE IT RESOLVED that the City Council does and hereby approves the appointment of City Councilmember Kate Marshall as Mayor Protempore to the City Council for 2020.

Said resolution was adopted by the following vote:

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

Harbor-Petoskey Area Airport Authority Board Appointment – Resolution No. 19364

Mayor Murphy reviewed that City Council consider possible reappointment to the Harbor-Petoskey Area Airport Authority Board.

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

BE IT RESOLVED that the City Council does and hereby approves the reappointment of Alan Terry, Clerk-Treasurer, to the Harbor-Petoskey Area Airport Authority for a four-year term ending December 2023.

Said resolution was adopted by the following vote:

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

Planning Commission Appointments – Resolution No. 19365-19366

Mayor Murphy reviewed that City Council consider possible appointments to the Planning Commission.

Mr. Scheel commented on why he is interested in being on the Planning Commission.

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

BE IT RESOLVED that the City Council does and hereby approves the appointment of Jonathan Scheel, 425 Monroe Street, Apt. 7, to the Planning Commission, for a three-year term ending August 2022.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

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

BE IT RESOLVED that the City Council does and hereby approves the appointment of Richard Mooradian, 728 Lockwood Avenue, to the Planning Commission, for a three-year term ending August 2022.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Mayor Murphy noted he would review future applications for completeness.

Adopt Ordinance 775 – Amending Chapter 8, Article VIII Concerning Mobile Food Vending – Resolution No. 19367

The City Manager reviewed that this was a third discussion of revisions to both an ordinance and resolution pertaining to mobile food trucks and that City Council could adopt the ordinance at this meeting.

City Councilmembers inquired if mobile vending units operating at The Back Lot would need to comply with the regulations and staff responded that vendors would have to conform to all regulations as outlined in the ordinance and resolution.

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

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. In a residential district, mobile food vending on private property shall only be allowed as part of a private event and shall only serve food to event attendees and not the general public. Mobile food vending on private property shall not be allowed to utilize public property including but not limited to street rights-of-way.

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.

Said ordinance was adopted by the following vote:

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

NAYS: None (0)

Approve Contract for Marina Strategic Planning – Resolution No. 19368

The City Manager reviewed that increasing high water and routine ice damage to the City's Marina are ongoing, challenging issues; that ice damage to the Marina has cost the City in excess of \$100,000 for piling replacement and dock repairs over the last two years caused by ice floe and inconsistent water levels; that there are concerns in regards to operation and safety with the in-dock utilities that may be affected by high water levels; that the Marina is a very popular destination for the City and has a direct effect on the economy not only for the City, but for the community as well; that the Army Corps of Engineers Lake Michigan-Huron water level prediction continues to be trending towards potential record levels; that W.F. Baird and Associates, Ltd., Madison, Wisconsin, provided a proposal which includes a background analysis, site investigation, schematic design options, and numerical modeling with a 5-6 month timeline for completion; that the timeline will provide staff with enough information to formulate a plan based on the plan recommendations for the facility; that the Marina Strategic Plan Study will assist City staff in future grant applications through the DNR Waterways Commission; and that the proposal will be funded through the marina reserves and no monies were budgeted for this expense in 2020.

City Councilmembers inquired if there is a separate run for each utility; if the City was in a position to act if water levels continue to increase; inquired if this could be a MEDC project; noted that W.F. Baird has completed both large and small scale projects; and inquired on the status of the breakwall and if it is affected by the high water levels.

The Parks and Recreation Director responded that each utility is on a different run; that W.F. Baird has completed many different sized projects including one in Bay View; that staff recommends moving forward with the proposal; and that the plan will help staff review and implement electrical safety precautions.

The City Manager responded that the City will be in a position closer to acting if need be with this strategic plan and that W.F. Baird will be reviewing the status of the breakwall.

City Councilmember Marshall moved that, seconded by City Councilmember Wagner to authorize contracting with W.F. Baird and Associates, Ltd., Madison, Wisconsin, for marina strategic planning in the amount of \$45,350.

Said motion was adopted by the following vote:

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

NAYS: None (0)

Council Comments

Mayor Murphy asked for Council comments and Councilmember Wagner thanked some of his neighbors in the audience for their support and is in favor of sustainability. Mayor Murphy recognized Dean Burns who has been on the Planning Commission for over 40 years and thanked him for his service to the community.

There being no further business to come before the City Council, this January 6, 2020, meeting of the City Council adjourned at 8:06 P.M.

John Murphy, Mayor

Alan Terry, Clerk-Treasurer