



## CITY COUNCIL

March 2, 2020

A regular meeting of the City of Petoskey City Council was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, March 2, 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, a roll call then determined that the following were

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

Absent: Suzanne Shumway, City Councilmember

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

### **Hear Department of Public Safety Honor's Board Presentation**

The Department of Public Safety Honor's Board recently authorized awards to Officers, Emmet EMS staff and citizens for meritorious service. Director Breed presented awards to the recipients for commendable service throughout the community including lifesaving awards, Public Safety commendation and citizen awards.

### **Consent Agenda - Resolution No. 19381**

Following introduction of the consent agenda for this meeting of March 2, 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 February 17, 2020 regular session and February 24, 2020 special joint session City Council meetings 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 February 17, 2020 for contract and vendor claims at \$1,297,567, intergovernmental claims at \$8,696.79, and the February 20 payroll at \$205,794.40, for a total of \$1,512,058.19 be and is hereby acknowledged.

Said resolution was adopted by the following vote:

AYES: Marshall, Wagner, Walker, Murphy (4)

NAYS: None (0)

### **Hear Public Comment**

Mayor Murphy asked for public comments and Alison Paton, 602 East Lake Street, is concerned and opposed to using Brownfield TIFs. Chris Struble, 320 ½ East Lake Street, commented on the ongoing cigar smoke at Ernesto's, the problematic smell to the residential apartment above the business and the difficulty in finding alternate living arrangements.

City Councilmembers commented on the approval of the liquor license for Ernesto's and that maybe a study could show what can be done to eliminate the issues.

### **Hear City Manager Updates**

The City Manager reported that Baird Engineering is working on four preliminary shoreline improvement concepts for the waterfront and that the Emmet County Board of Commissioners will consider the Arrowhead Shores Slope Failure Study next week; that staff is working with the Little Traverse Historical Society on a renewal of a 20-year museum lease that is expiring in April with no major changes; that the Presidential Primary Election is March 10, 2020 which includes two local ballot proposals regarding medical and recreational marijuana issues; that the City received a \$14,700 grant from the Petoskey Harbor Springs Area Community Foundation to offset the costs of a slope failure study for the Little Traverse Wheelway; and that 167 letters signed by the Mayor were mailed thanking residents for their participation in the Voluntary Green Pricing Program which included a renewable energy sticker to better market and promote the program.

City Councilmembers inquired on researching a larger VGP marketing tool that is more visible from the road.

### **Hear Presentation on Revised Plans for the Bay/Howard Street Development**

The City Manager reviewed the process to date and that developers are now proposing a different mix of housing rentals that was not originally proposed, and asked City Council to direct developers on whether to proceed with a pro-forma analysis of revised plans for Bay Street development.

Barry Polzin, Main Dock 7271 development team architect, reviewed plan changes for the development; that revised plans will include 32 units and parking spaces; that there is an increasing demand for single-person apartments; the first-floor will still be commercial; the lobby will be larger for community use; and use of a Brownfield TIF could double City's parking spaces.

City Councilmembers commented the plans look better and covered parking helps with plowing and is needed; inquired if developer would design parking to City standards; discussed process in determining a parking structure; and that DMB could be involved in moving forward with plans.

Mayor Murphy asked for public comments and heard an inquiry from a downtown resident who is generally opposed, but interested on how Brownfield TIFs, work; that development and additional parking will benefit this area and can't be overstated enough; that Council should allow roof-top park activity in this area so not only in Pennsylvania Park; that tax base will increase over time; and that TIF is a need base incentive and would pay for parking.

### **Discuss City Charter Revisions**

The City Attorney reviewed options for Charter revisions concerning term length for the Mayor and term lengths in general for City Councilmembers, Ward and City Conventions nomination process and Mayor and City Council's compensation. The City Attorney reviewed that an amendment could be made for term of office and compensation, but convention process may be a Charter revision.

City Councilmembers discussed each topic and heard from those in favor of keeping the convention process since it currently works; concurred that terms and compensation should be reviewed; heard from those in favor of creating a Compensation Commission; inquired if the convention times could change without an entire Charter revision; that election of Mayor shouldn't always align with the same wards; and that citizens are now allowed to remove the Mayor annually if desired.

The City Attorney further reviewed that Council concurred to not change the convention process, and agreed with creating a Compensation Commission and look into changing only the Mayor's term of office.

Mayor Murphy asked for public comments and heard that it is easy to say no to single items compared to a Charter revision and a need for more councilmembers; that there is not a need for more Councilmembers; that the Mayor term should be revised to a three-year term; and Mayor and Councilmembers deserve more compensation.

### **Hear Public Safety 2019 Annual Report Presentation**

Public Safety Director Matthew Breed gave a brief presentation concerning the department's 2019 annual statistics, programs and community engagement. Mr. Breed reviewed the annual report and answered questions.

### **First Reading of a Proposed Ordinance Amending Sections 1704(c) Off-street Parking Exception to General Provision and 2903(3) Site Requirements in the B-2A Transitional Business District**

The City Planner reviewed that the Planning Commission unanimously recommended two changes to the Zoning Ordinance related to parking requirements adjacent to the Central Business District, Sections 1704(c) Off-street Parking Exception to General Provision and 2903(3) Site Requirements in the B-2A Transitional Business District which would remove two areas currently in the exempt district so properties would be required to provide parking.

The City Planner further reviewed that the parking exemption map would be redrawn if ordinance is approved; that the Central Business Parking Exempt District is exempt from providing off-street parking, but if off-street parking and loading requirements are provided, the lot shall meet all applicable design standards of Zoning Code; that during the public hearing to rezone properties at 112, 116, 118 and 124 East Mitchell Street to B-2A Transitional Business, there was concern raised about development of these properties if sufficient parking was not provided as the property is within the parking exempt district; that the Planning Commission recommended that boundary of the parking exempt district be amended to remove the block bounded by Emmet, Michigan and Elizabeth Streets, as well as the residential properties on Division Street at the north-east corner of the district; and that the other proposed change to Section 2903(3) would amend the B-2A Transitional Business District to allow a reduction in the amount of on-site parking to no less than 75% of the full parking requirements per Section 1704 of the Zoning Ordinance.

City Councilmembers inquired about future remodeling projects on Michigan Street and if properties would have to comply; if space is available on most of lots for parking; heard concerns if ordinance isn't approved that the East Mitchell Street development would use up more on-street parking; and heard concerns with unintended consequences relating to redrawing the parking exemption map and boundaries near Michigan, Emmet and Elizabeth Street area and asked for more information.

The City Planner responded that if properties remodel it must comply only if use is expanded.

Mayor Murphy asked for public comments and heard from those opposed to ordinance and discussions are on a problem that doesn't currently exist; that the area is ripe for development; concerns on why parking exempt area should change; and there is intense use of those areas by downtown business employees since parking is free.

City Council will further review proposed ordinance at the next regular scheduled meeting.

**First Reading of a Proposed Ordinance to Rezone Properties at 112, 116, 118 and 124 East Mitchell Street from B-1 Local Business and O-S Office Service Districts to B-2A Transitional Business**

The City Planner reviewed that a public hearing was held on the request to rezone four parcels known as Family Video to B-2A Transitional Business from B-1 Local Business and O-S Office Service; reviewed concerns regarding parking needs of uses allowed in the B-2A District, which resulted in a 4-4 Planning Commission vote; that the Commission found benefits of the rezoning to B-2A and worked to address the parking issues by proposing changes to the parking exempt district and parking requirements in the B-2A District; that Council consider whether the zoning of this property should enable development more compatible with the remainder of the block that is mix of single and multiple family dwellings, or more compatible with the CBD to the east; reviewed advantages and disadvantages of the site being rezoned to B-2A Transitional Business; that Council evaluate whether the zoning map amendment is consistent with the City Master Plan; and that staff believes the request is consistent with the Future Land Use Plan.

City Councilmembers discussed rezoning and inquired on the process and how the City could ensure it is developed for residential use.

Mayor Murphy asked for public comments and heard from someone in favor of rezoning properties and that the developer plans to have three-stories and on-site parking with parking on the first level.

City Council will further review proposed ordinance at the next regular scheduled meeting.

**Acknowledge Receipt of 2019 Planning Commission Annual Report**

The City Planner reported that required by the Michigan Planning Enabling Act, the City Council had been provided a copy of the 2019 Planning Commission Annual Report and Council was being asked to acknowledge receipt of this annual report. The City Planner gave a brief presentation highlighting 2019 accomplishments and answered questions and concerns.

**Accept Declaration of Easement for Iron Belle Bridge – Resolution No. 19382**

The City Manager reviewed that the City was recommended for a Natural Resources Trust Fund grant award for the construction of the Iron Belle Bridge which will connect the North Country Trail on the east side of the Bear River at North Central Michigan College and the west side at the River Road Sports Complex; that the project agreement was approved in 2019 and the State requires the easement agreement to be approved before they will issue their approval of the project agreement; that staff has been working with NCMC administration to ensure the bridge project will be completed to both entities standards; and that the easement has been reviewed by all parties involved.

City Councilmember Walker moved that, seconded by City Councilmember Wagner to accept the Declaration of Easement between the City of Petoskey and North Central Michigan College for use of the Iron Belle Bridge.

Said motion was adopted by the following vote:

AYES: Marshall, Wagner, Walker, Murphy (4)

NAYS: None (0)

**Approve Donation Plaque Language from League of Women Voters – Resolution No. 19383**

The City Manager reviewed that staff has been working with Ann Srigley, representative of the League of Women Voters, on a donation of a deciduous tree and descriptive plaque; that per the City's Gift and Donation Acceptance Policy City Council is to approve all plaque language; and that the Parks and Recreation Department will purchase both the tree and plaque and the League of Women Voters will reimburse the City.

Ms. Srigley commented on the 100-year anniversary of League of Women Voters and the opportunity to donate to the City.

City Councilmember Marshall moved that, seconded by City Councilmember Walker to accept the tree and plaque donation from the League of Women Voters and approve the following plaque language: *"In honor of the Petoskey suffragists who fought for the voting rights of women in the United States. Donated by the League of Women Voters, Charlevoix-Emmet Counties, 2020."*

Said motion was adopted by the following vote:

AYES: Marshall, Wagner, Walker, Murphy (4)

NAYS: None (0)

### **Council Comments**

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

### **Authorize Closed Session – Resolution No. 19384**

City Council was being asked to adopt a resolution that would authorize a closed session pursuant to Section 8(d) of the Michigan Open Meetings Act, to consider the purchase or lease of real property.

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

WHEREAS, the City Manager has requested that the City Council adjourn to a closed session, pursuant to Section 8(d) of the Michigan Open Meetings Act, to consider the purchase or lease of real property, at the City Council's regular meeting of March 2, 2020:

NOW, THEREFORE, BE IT RESOLVED that the City Council does and hereby authorizes to adjourn to a closed session, to consider purchase or lease of real property.

Said resolution was adopted by the following vote:

AYES: Marshall, Wagner, Walker, Murphy (4)

NAYS: None (0)

Recessed to closed session at 10:02 P.M.

Reconvened into open session at 10:20 P.M.

There being no further business to come before the City Council, this March 2, 2020, meeting of the City Council adjourned at 10:21 P.M.

John Murphy, Mayor

Alan Terry, Clerk-Treasurer