



CITY COUNCIL

April 9, 2020

A special meeting of the City of Petoskey City Council was held from virtual locations on Thursday, April 9, 2020. This meeting was called to order at 5:00 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
Brian Wagner, City Councilmember
Lindsey Walker, City Councilmember

Absent: None

Also in attendance were City Manager Rob Straebel, Clerk-Treasurer Alan Terry and Executive Assistant Sarah Bek.

Mayor Murphy reviewed guidelines and instructions on how the virtual meetings will be conducted and stated procedures and laws concerning public comment.

Hear Petoskey Unites Proclamation

Mayor Murphy read the following proclamation:

WHEREAS, the citizens of the City of Petoskey, along with the rest of Michigan, are facing an extraordinary time of disruption in their daily lives and routines due to the COVID-19 outbreak and the "Stay Home Stay Safe" Executive Order (EO 2020-21); and

WHEREAS, in addition to the physical health, the mental and emotional well-being for Petoskey residents is of paramount importance to the City Council and the community; and

WHEREAS, the Mayor and City Council feel it is important that the City provide a coordinated activity whereby all residents and families can come together in an effort to show unity for neighbors and friends:

NOW, THEREFORE, I, John Murphy, Mayor of Petoskey, do hereby proclaim the start of the "Petoskey Unites" community initiative where every Friday and Saturday evening at 7:00 P.M. residents and families are encouraged to come out of their homes, wave to neighbors, visually check in with each other, and generally provide comfort and safely interact with each other within the guidelines of proper social distancing.

Consent Agenda - Resolution No. 19391

Following introduction of the consent agenda for this meeting of April 9, 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 March 16, 2020 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 16, 2020 for contract and vendor claims at \$928,838.39, intergovernmental claims at \$0, and the March 19 and April 2 payrolls at \$403,663.30, for a total of \$1,332,501.69 be and is hereby acknowledged.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Hear City Manager Updates

The City Manager reported that voters approved additional language for the City's recreational marijuana opt-out ordinance on March 10, 2020 and the new language will be brought forward for the Mayor to acknowledge at the regular April 20 meeting; that the City has not received any applications for medical marijuana provisioning centers as of today, but that the Clerk's office has fielded many questions from potential applications with the deadline date of April 22, 2020; that contractors working for MDOT will begin a landscaping project on the north side of the highway from Lake Street to Boulder Lane on the week of April 20 and that the work is essential to stabilize steep slope areas from potential future erosion; reviewed update on Little Traverse Wheelway closure; that the City has postponed the Kalamazoo Avenue Street reconstruction project to comply with "Stay Home Stay Safe" regulations and social distancing requirements; and reviewed coronavirus update and actions the City has taken to mitigate crisis.

City Councilmembers inquired if the medical marijuana application deadline would be extended past April 22 due to pandemic or if there were no applications submitted; heard from those thanking staff for their efforts during the health crisis; and the Mayor made a statement on COVID-19 and the importance of essential workers.

The City Clerk responded that the medical marijuana application deadline would not be extended, but if there were less than three applications then process remains open.

Approve Virtual Meetings Due to Coronavirus Pandemic – Resolution 19392

The City Manager reviewed that on March 18, 2020 Governor Whitmer issued Executive Order 2020-15 to suspend rules and procedures relating to physical presence at meetings and hearings of public bodies to allow public bodies to continue to conduct business during the COVID-19 emergency and the general public to continue to participate in government decision making without unduly compromising public health, safety and welfare; that staff prepared general information concerning virtual meetings that outlined how to view, participate and how virtual meetings would be conducted; that the City is using Zoom as the platform for City Council meetings; and that Council was being asked to authorize City meetings to be held by telephone or other electronic means as set forth in Executive Order 2020-15.

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

Establishing Rules for Remote Attendance by City Councilmembers and other City Public Bodies and Members of the Public at Meetings Due to Coronavirus Pandemic

WHEREAS, on March 10, 2020, Governor Whitmer declared a state of emergency as a result of the coronavirus outbreak; and

WHEREAS, on March 11, 2020, the World Health Organization declared the coronavirus outbreak a pandemic; and

WHEREAS, on March 13, 2020, the President declared a National Emergency as a result of the coronavirus outbreak; and

WHEREAS, the Michigan Department of Health and Human Services (MDHHS) has issued Interim Recommendations for COVID-19 Community Mitigation Strategies; and

WHEREAS, such strategies include encouraging staff to tele-work when feasible and implementing social distancing measures as feasible, including limiting in-person meetings, and to limit large work-related gatherings; and

WHEREAS, on March 18, 2020, Governor Whitmer issued Executive Order 2020-15 to suspend rules and procedures relating to physical presence at meetings and hearings of public bodies to allow for public bodies to continue to conduct public business during the COVID-19 emergency and the general public to continue to participate in government decision making without unduly compromising public health, safety, and welfare; and

WHEREAS, to implement MDHHS's mitigation strategies, allow the City Council and all other City boards, commissions, and committees (hereinafter referred to collectively as "Public Bodies") to continue public business, and to allow the public to attend meetings of the Public Bodies remotely if they desire, consistent and in compliance with Executive Order 2020-15, the City Council desires to establish rules to authorize and allow its members and members of the public to attend meetings of the Public Bodies by telephone or other electronic means as set forth in this Resolution;

NOW THEREFORE BE IT RESOLVED, that the City Council immediately authorizes its members and members of the public to attend all meetings of Public Bodies by telephone or other electronic means and establishes rules as follows:

A. NOTICE OF MEETINGS:

1. For every meeting to be held remotely pursuant to this Resolution, the City Clerk shall post on the homepage of City's website in a conspicuous location and at the City of Petoskey City Hall, 101 East Lake Street, Petoskey, the following:
 - a. An explanation of why the Public Body is meeting remotely.
 - b. Contact information for all members of the Public Body along with information about how the public may contact the member(s) to provide input on any business that will come before the Public Body.
 - c. The dial-in conference number or other necessary information for members of the public to utilize in order to access the meeting remotely.
 - d. The agenda for the meeting at least 18 hours prior to the meeting.
 - e. Procedures by which persons with disabilities may participate in the meeting.
2. If any meeting includes a public hearing, all material that will be considered by the Public Body at the public hearing shall be posted or linked on the homepage of the City's website in a conspicuous location or as otherwise required by law. If timely, City staff will make every effort to include written public comments received by the Public Body for the public hearing.

B. CONDUCT OF THE MEETING:

1. The telephone or other electronic technology being utilized shall allow the members of the Public Body to communicate to any other member in attendance and any member of the public or staff attending. Members of the public shall be allowed to communicate to the Public Body or staff during public comment.
2. A members' remote attendance shall be considered attendance for the purpose of establishing a quorum.

3. Any vote by a member participating remotely pursuant to this resolution shall be counted in the total number of votes for any matter and shall not be held invalid for the reason that it was cast by a member remotely.
4. If any member is participating remotely, all votes on any matter shall be taken by roll call vote.
5. Adjournment of a meeting shall occur only on a roll call vote of the Public Body.
6. For closed sessions conducted under this policy, each member and authorized attendee of the closed session shall not allow anyone else to hear or view the closed session. All members and authorized attendees of the closed session shall affirm, before the closed session begins, that they are in compliance with this subsection.
7. Emails, texting, or other forms of electronic communication by or between members during the meeting shall not be allowed.
8. If an email, text or other form of electronic communication is received by a member of the Public Body by 5:00 P.M. on the day of the meeting related to any item on the agenda for the meeting, and the sender requests such, the email, text, or other electronic communication may be read by the member of the Public Body receiving the communication if the receiver becomes aware of the message in time, during the agenda item and it shall be addressed by the Public Body as appropriate during the meeting. The City Clerk shall also follow this subsection.

C. ATTENDANCE BY MEMBERS OF THE PUBLIC:

1. Immediately after calling the meeting to order, the City Clerk or other designated facilitator shall ensure that the dial-in number or other means of conducting the meeting remotely is working. If the dial-in number or other means of conducting the meeting remotely is not working, the meeting shall be immediately adjourned by the Mayor of the meeting without any decision or deliberation on any matter.
2. If any member of the public is attending remotely, each member of the public shall be provided an opportunity to provide public comment during a public comment portion of the agenda. Such opportunity shall be given by the Mayor or designated facilitator asking individuals who are attending the meeting whether they have any public comment.
3. If any member of the public is attending, and a closed session is called by the Public Body as permitted by the Open Meetings Act, a separate call in number or other electronic means of remotely participating shall be available for the Public Body to utilize for a closed session that is not available to the public, the Mayor shall clearly indicate at what point in the agenda the closed session will occur, the projected length of the closed session, that the public will not be able to hear the Public Body or provide comment during the closed session, and the Public Body shall return to the public meeting following closed session to adjourn the meeting or take other action as necessary.

BE IT FURTHER RESOLVED, this Resolution is intended to establish rules for and authorize participation by remote access by members of the Public Body and attendance by remote access by members of the public in the interest of the public health, safety, and welfare during the coronavirus outbreak while preserving meaningful access to meetings and communication for Public Body members and members of the public, including members of the press and other news media.

BE IT RESOLVED, in the event of a conflict between this Resolution and the Rules of the City Council, or other Public Body the terms of this Resolution shall control.

BE IT RESOLVED, this Resolution shall be effective immediately and shall remain in effect until April 15, 2020 at 11:59 P.M. or so long as Executive Order 2020-15 is in effect, whichever is longer.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Approve Moratorium on Hotels, B&B's and Short-Term Rentals – Resolution No. 19393

The City Manager reviewed that Governor Whitmer passed Executive Order 2020-21 that directs, subject to exceptions for activities necessary to sustain or protect life, or activities to support businesses and operations that are necessary to sustain or protect life, all individuals currently living within the State of Michigan are ordered to stay home at their place of residence; that the Northwest Michigan Health Department also issued a directive for all individuals from areas outside of Northern Michigan should self-quarantine for 14 days upon entering and residing in Northern Michigan; that staff believed approving new licenses for hotels, bed and breakfasts and short-term vacation rentals in the City at this time is contrary to the intent of the Executive Order; and reviewed the number of licenses issued and not issued to-date.

City Councilmembers inquired if there would have to be a resolution to remove moratorium; inquired if the three licensed properties would have to cease operations; and heard comments clarifying that licenses are annual renewals.

City Attorney Rhonda Stowers commented that once the “Stay Home Stay Safe” order is lifted that the moratorium would be lifted, reviewed that the duration of the moratorium should include state legislature language in the resolution and that the three properties with current licenses could still operate.

City Councilmember Shumway moved that, seconded by City Councilmember Marshall adoption of the following resolution including state legislature language:

RESOLUTION REGARDING A MORATORIUM ON ISSUANCE OF LICENSES FOR HOTELS, BED AND BREAKFASTS AND SHORT-TERM VACATION RENTALS

WHEREAS, the novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death and is easily spread from person to person, with older adults and those with chronic health conditions being at particular risk; and

WHEREAS, there is an increased risk of rapid spread of COVID-19 among persons in close proximity to one another; and

WHEREAS, there is currently no approved vaccine or antiviral treatment for this disease, which has been confirmed through medical testing to be present and spreading throughout the State of Michigan; and

WHEREAS, Governor Whitmer has declared a state of emergency and has issued several Executive Orders to prevent the state's health care system from being overwhelmed, to allow time for the production of critical test kits, ventilators, and personal protective equipment, and to avoid needless deaths, including the restriction for citizens to stay at home or in their place of residence and to limit travel; and

WHEREAS, other areas of the State and areas outside the State are reporting higher incidents of COVID-19 higher than what are believed to currently exist in the City of Petoskey; and

WHEREAS, the City of Petoskey permits its citizens pursuant to Chapter 6 of the City of Petoskey Ordinances to apply for a license to operate a hotel, bed and breakfast or short-term vacation rental, which promotes seasonal tourism to the City and results in an influx of a large amount of visitors to the City; and

WHEREAS, the City has received a large number of applications for such licenses, which are currently in various phases of the application process and for which licenses have not yet been granted; and

WHEREAS, the City's ability to process the applications and conduct the necessary related property inspections is restricted due to the Executive Orders of the Governor limiting in-person contact and business where not necessary to sustain or protect life; and

WHEREAS, it has been deemed it is in the best interest of the City to protect the health, safety, and welfare of its residents by decreasing the potential for COVID-19 to spread through the City through reasonable measures to reduce personal contact and travel that is not necessary to sustain or protect life; and

WHEREAS, a moratorium on the granting of hotel, bed and breakfast and short-term vacation rental licenses is narrow, reasonable and otherwise appropriate means to further the City's interest in protecting the health, safety, and welfare of residents in this regard; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby imposes a moratorium on the review of applications and the granting of licenses to operate a hotel, bed and breakfast or short-term vacation rental, and suspends the issuance of any such licenses for the duration of Executive Order 2020-21 and any subsequent Executive Order extending the duration of the Governor's order for individuals to stay at home or their place of residence, or any equivalent order from the state legislature or federal government.

This moratorium does not affect the validity of any unexpired licenses issued prior to this resolution. Any applications for hotel, bed and breakfast or short-term vacation rental licenses that are pending review at the time of this moratorium shall be suspended until the expiration of this moratorium, at which time the review process shall resume for those applications. New applications may be submitted during the moratorium but will not be processed until its expiration.

This resolution shall have immediate effect.

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 there were no comments.

Council Comments

Mayor Murphy asked for Council comments and Councilmember Walker inquired if citizens could pay partial tax payments due to loss of jobs during health crisis, noticed yard waste and brush chipping had been postponed, but that items could be dropped off at Emmet County facilities and inquired if there was a multi-person party in Bay Harbor which would have violated the "Stay Home Stay Safe" order. Councilmember Wagner reiterated the importance of continuing social distancing. Councilmember Shumway recognized a social media group, Emmet County Helping Hands, and the resources the community has developed during the pandemic. Councilmember Marshall commented that she would like to see a proclamation recognizing essential workers. Mayor Murphy commented for Petoskey citizens to continue to stay strong and that as a community we will get through this unprecedented time.

There being no further business to come before the City Council, this April 9, 2020, meeting of the City Council adjourned at 5:50 P.M.

John Murphy, Mayor

Alan Terry, Clerk-Treasurer