



CITY COUNCIL

June 1, 2020

A regular meeting of the City of Petoskey City Council was held from virtual locations on Monday, June 1, 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 (Arrived at 7:10 P.M.)
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, City Planner Amy Tweeten, Public Safety Director Matthew Breed, Downtown Director Becky Goodman and Executive Assistant Sarah Bek.

Hear Lake Street Dam Engineering Alternatives Presentation

Jen Buchanan, representative from Tip of the Mitt Watershed Council and project manager for “Healing the Bear – Engineering Alternatives for the Lake Street Dam”, gave a brief presentation on engineering alternatives to allow better fish passage while impeding sea lamprey from swimming upstream; that the project has been funded by a Great Lakes Fishery Trust grant of \$50,494 with a local cash match from the City of \$16,500; that Tip of the Mitt Watershed personnel also provided in-kind services for the project; and that an additional public meeting will be held virtually to introduce the engineering concepts at 5:30 P.M., Tuesday, June 23.

City Councilmembers commented on the stakeholders and inquired if climate change is included in concepts. Ms. Buchanan responded that various factors have been included in the different models including climate.

Consent Agenda - Resolution No. 19413

Following introduction of the consent agenda for this meeting of June 1, 2020, City Councilmember Wagner 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 May 18, 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 May 18, 2020 for contract and vendor claims at \$382,278.74, intergovernmental claims at \$0, and the May 28 payroll at \$202,586.99, for a total of \$584,865.73 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 there were no comments.

Hear City Manager Updates

The City Manager reported that the Planning Commission voted 9-0 to recommend to City Council the sale of a 20' no-build easement on the west side of the proposed hotel and a second motion passed 9-0, to support a traffic circulation pattern to lessen the impact on the alley and that there is general support for increasing the parking throughout the site with consideration of a parking structure; that the Commission discussed conceptual plans for the Lofts at Lumber Square and generally liked the concept and is a great use of the property and the proposal will be discussed more in June and possible site plan review in July or August; that staff is developing a PILOT ordinance for the Lofts at Lumber Square with a tentative first reading at the June 15 meeting; that the City completed a more detailed survey that will be used to undertake an appraisal on the MDOT railroad right-of-way on a two block section between Emmet Street and Washington Street to extend the Greenway Corridor; that staff met with Cusack's Masonry Restoration and architect Rick Neumann concerning City Hall water issues and that small cracks are causing issues and were not addressed in work completed two years ago, that recommended work is not under warranty and recommended \$5,000 in additional work to address the metal cap flashing issues; that the City signed an appraisal proposal for the air easement over the Saville Parking Lot and the appraiser will be looking at the site on Thursday; reviewed process of Charter Revisions as discussed on March 2 and that a future agenda item will be prepared for Council to discuss changing the duration of the Mayor's term of office and increasing compensation for the Mayor and Council for a meeting in the near future; that Magnus Park opened last Friday; that the Bayfront Stair Tower project is completed; provided an update on the Kalamazoo Avenue street reconstruction project; that slope reductions and placement of revetment stone have been completed along Bayfront East; and that in coordination with Bill and Carol's Party Store and Deli, the City distributed in excess of 1,000 free lunches at the Winter Sports Park to help families during the pandemic.

City Councilmembers commented on the air easement and wanted clarity if it is a 15' lateral easement east to west and that two Planning Commissioners have different viewpoints on what the easement is actually for and inquired if Magnus Park campsites are same as in years past or different to abide by recommendations to help stop the spread of COVID-19.

The City Manager and City Planner clarified the 20' no-build easement area and responded that campsite layouts are the same as previous years.

Discuss Executive Orders Relating to Wearing Masks, Public/Private Gatherings and Vacation Rentals and Hotels

The Public Safety Director gave a brief presentation regarding the current executive order as it relates to the wearing of masks, public/private gatherings, vacation rentals and hotels; that if someone is medically able to tolerate a face covering, one must be worn when in any enclosed public space, but that there is no penalty for violation of this section of the order; that up to 100 people can participate in a social gathering outside and only 10 inside; and that vacation rentals and hotels are now able to operate.

City Councilmembers inquired if conventions could still be held in-person since it falls under government activity; if individual businesses could require masks; that the City could provide masks with City logo to businesses; heard from those that requiring people to wear masks in businesses could create uncomfortable situations; and heard from those in favor of wearing masks and offering them for citizens.

The Public Safety Director reported that business owners could require masks of customers.

Dr. Joshua Meyerson, Medical Director of Health Department of Northwest Michigan, reviewed that it is good to encourage use of masks, but enforcement is difficult; that gathering of 100 people should social distance 6' apart and wear masks; and that he needed to review the new Executive Order 2020-110 that was issued earlier this afternoon more in depth.

Mayor Murphy asked for public comments and heard the latest regulations on businesses as part of EO 2020-110 and heard from those opposed to restricting social gatherings and that it should be up to the individual.

Approve Downtown Back to the Midway Event – Resolution No. 19414

The Downtown Director reviewed events and strategies to help support downtown businesses due to the pandemic; that the DMB canceled some of its routine scheduled events; that the proposed event is only for this summer if Council approves; reviewed possible strategies including using Pennsylvania Park as a picnic area for food and alcoholic drinks to help restaurants that are forced to reduce seating capacities by at least 50%; placing picnic tables under a tent in Pennsylvania Park or closing Lake Street where it divides the park and placing tables in the street which could increase restaurant take out sales and keep visitors downtown; create more opportunity for outdoor dining by allowing restaurants to rent parking spaces for the placement of dining platforms; allow downtown restaurants that own their own food or catering trucks to sell from a rented parking space near their storefront; allow retailers to vend outside their storefronts within the public right-of-way where it is possible to maintain the legal amount of space for pedestrians; experiment closing Howard and Lake Streets for two days a week during July and August and allow merchants and restaurants to sell and serve in the streets; that open air days would be created in memory of the Midway district that Petoskey was known for at the turn of the last century; that hand-sanitizing stations could be installed on the sidewalks; allow retailers to temporarily install walk-up windows with approval; and that staff worked together on the proposed strategies and put into an event that is presented to Council in the form of a resolution in order to expedite the process.

City Councilmembers commended Downtown staff and the DMB for proposing strategies to help the downtown during these unprecedented times and that when experiments happen sometimes strategies work and some fail so everyone has to be open to change; inquired if food trucks would only be allowed if associated with a downtown business; and that the proposed event seems ideal and people will park further away and walk to downtown.

The Downtown Director further clarified that the event covers a time period through October 15, 2020.

Mayor Murphy asked for public comments and heard from those in support and opposed to some of the proposed strategies; that closing streets will be difficult for deliveries, but should consider closing on the weekends; that some merchants were surveyed and a number don't want street closures; and heard from a DMB member to use the Downtown Facebook page to find additional information on happenings in downtown.

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

A RESOLUTION ALLOWING FOR TEMPORARY MEASURES TO ASSIST DOWNTOWN BUSINESSES WITH COMPLIANCE WITH SOCIAL DISTANCING REQUIREMENTS OF THE GOVERNOR'S EXECUTIVE ORDERS

WHEREAS, the novel coronavirus (COVID-19) is a respiratory disease that is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person; and

WHEREAS, the spread of COVID-19 has resulted in the State of Michigan declaring a State of Emergency under Section 1 of Article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, and the Emergency Powers of the Governor Act, 1945 PA 302, as amended, as evidence in Executive Order 2020-4; and

WHEREAS, the City of Petoskey is committed to encouraging economic activity and assisting downtown businesses impacted by the COVID-19 pandemic; and

WHEREAS the City of Petoskey wishes to ensure that establishments permitted to open to the public have the ability to accommodate social distancing guidelines currently in force within the State of Michigan; and

WHEREAS, the City of Petoskey regulates use of its streets, sidewalks and other public places through Chapter 18 of the Code of Ordinances, and allows outdoor dining and mobile food vending pursuant to Chapter 8 of the Petoskey Code of Ordinances Businesses and Business Regulations:

NOW THEREFORE BE IT RESOLVED that the following temporary measures under Chapter 18, Section 18-1 will be allowed within the Central Business District under the "Return to the Midway Summer Event" special event application through October 15, 2020:

1. A minimum of one curbside pick-up parking space may be provided per block face.
2. Retail establishments may be allowed to do the following, provided a minimum of 48" of pedestrian clearance is maintained.
 - a. Display merchandise within the 30" of their storefront allowed for flower containers and benches.
 - b. Install walk-up windows to allow patrons to be served from the public right-of-way, after submittal and approval of a permit that includes a plan with sufficient detail to evaluate compliance with the Downtown Sidewalk Furnishings Design Guidelines.
3. East Lake Street may be closed between Barbershop Park and Pennsylvania Park to allow for additional outdoor dining areas.
4. The Downtown Management Board may coordinate periodic closings of East Lake Street between Petoskey Street and Pennsylvania Park, Howard Street between East Mitchell Street and Bay Street, Reid's Alley, and Shopper's Lane in conjunction with the Department of Public Works, and the Department of Public Safety.
5. Up to one banner or sign not exceeding twelve (12) square feet to announce curbside service may be installed on a building wall or in a window.
6. Permitted and approved business activities (e.g., classes) may be held in Pennsylvania and Barbershop Parks.

NOW THEREFORE BE IT FURTHER RESOLVED that the following temporary measures under Chapter 8 Businesses and Business Regulation, Article 7 Open Air Food and Beverage Services and Article 8 Mobile Food Vending may be allowed within the Central Business District through October 15, 2020:

1. Establishments with a valid Outdoor Dining License pursuant to Section 8-215 may be allowed to do the following after submittal and approval of a plan with sufficient detail to evaluate compliance with the Downtown Sidewalk Furnishings Design Guidelines:
 - a. Install walk-up windows to allow patrons to be served from the public right-of-way.
 - b. Expand their outdoor area to extend across no more than 50% of neighboring storefronts that are not currently in use as food or drink establishments with permission of the property and business owners.
 - c. Rent one (or a maximum of two, if conditions allow) parking space per establishment for creation of a dining platform.

2. Establishments with a physical address in the downtown that have a valid Mobile Vending License may rent one parking space near their establishment and serve from the mobile vending unit as sufficient pedestrian clearance is maintained.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Discuss 2020 Ward and City Conventions

The Clerk-Treasurer reviewed upcoming Ward and City Conventions and how they will be structured; reviewed the option of conducting virtual vs. in-person meetings and the current Executive Orders; that staff is attempting to reserve large meeting locations for both City and Ward Conventions including the Petoskey High School Cafeteria, Ottawa Elementary Cafeteria, Lincoln Elementary Cafeteria, Middle School Cafeteria, Middle School Auditorium, High School Auditorium, Community Building at County Fairgrounds and North Central Michigan College Conference Room; and that staff was looking for direction from City Council on format and locations for upcoming conventions.

City Councilmembers concurred that in-person meetings would be best; that staff look at Sheridan Elementary Cafeteria as an option for the Ward 4 Convention; and that masks should be available for the in-person meetings.

Mayor Murphy asked for public comments and heard an inquiry if masks will be required at the conventions.

City staff will bring forward a resolution for Council consideration at the next meeting establishing dates and locations for the 2020 Ward and City Conventions.

Approve Emmet County Jaws of Life Agreement – Resolution No. 19415

The City Manager reviewed that for the past several years Emmet County has dispersed funds to fire departments within Emmet County to help support their Jaws of Life programs. The City has been included in this process with the City receiving \$4,500 annually for the past several years. Emmet County requested the City sign an agreement to provide Jaws of Life services.

City Councilmember Marshall moved that, seconded by City Councilmember Wagner to approve and authorize the City Manager to execute the 2020 Jaws of Life Agreement between Emmet County and City of Petoskey.

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 Walker commented that service industry workers need protection and the Health Department of Northwest Michigan is encouraging wearing of masks. Councilmember Wagner commented on the peaceful protest in Petoskey. Councilmember Shumway participated in the protests and commented that the Petoskey community is doing a great job. Councilmember Marshall commented that it is heartening to see the peaceful demonstrations and inquired when all of the bathrooms will be open. Mayor Murphy also commented on the peaceful protests.

There being no further business to come before the City Council, this June 1, 2020, meeting of the City Council adjourned at 9:00 P.M.

John Murphy, Mayor

Alan Terry, Clerk-Treasurer