



CITY COUNCIL

October 5, 2020

A regular meeting of the City of Petoskey City Council was held from virtual locations on Monday, October 5, 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
Suzanne Shumway, City Councilmember
Lindsey Walker, City Councilmember

Absent: Brian Wagner, City Councilmember

Also in attendance were City Manager Rob Straebel, Clerk-Treasurer Alan Terry, Parks and Recreation Director Kendall Klingelsmith, Downtown Director Becky Goodman, City Attorney James Murray and Executive Assistant Sarah Bek.

Hear Indigenous Peoples' Day Proclamation

Mayor Murphy read the following proclamation:

WHEREAS Indigenous Peoples' Day was first proposed in 1977 by a delegation of Native Nations to the International Conference on Discrimination Against Indigenous Populations in the Americas; and

WHEREAS the United States endorsed the United Nations Declaration of Rights of Indigenous People on December 16, 2010; and

WHEREAS a growing number of cities and towns in the United States have recognized the second Monday of October as "Indigenous Peoples' Day," as an opportunity to celebrate Indigenous heritage and resiliency; and

WHEREAS the City of Petoskey acknowledges that the historic, cultural, and contemporary significance of Indigenous Peoples of the lands that became known as the Americas; and

WHEREAS the City of Petoskey recognizes that long before the City of Petoskey was granted a Charter in 1879, Odawa Bands villages shared this land; and

WHEREAS the City of Petoskey was named after Ignatius Petoskey as a way to honor and respect the thriving Indigenous community of this land; and

WHEREAS the City of Petoskey values the significant contributions made to our community by Indigenous Peoples' knowledge, labor, technology, science, philosophy, arts, resiliency, and the deep cultural contributions that have shaped the character of the City, State, and Nation; and

WHEREAS the City of Petoskey recognizes that Indigenous People continue to contribute to the character, economy, and vitality of the City of Petoskey;

NOW THEREFORE I, John Murphy, Mayor of the City of Petoskey, do hereby proclaim the second Monday in October as Indigenous Peoples' Day in Petoskey.

Consent Agenda - Resolution No. 19456

Following introduction of the consent agenda for this meeting of October 5, 2020, City Councilmember Walker moved that, seconded by City Councilmember Shumway adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the September 21, 2020 regular 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 September 21, 2020 for contract and vendor claims at \$1,098,371.51, intergovernmental claims at \$202,479.49, and the September 17 payroll at \$239,975.22, for a total of \$1,540,826.22 be and is hereby acknowledged.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Hear Public Comment

Mayor Murphy asked for public comments and heard comments thanking the Mayor for the proclamation; that the City should do a mobility study after an experience with an elderly gentleman in need due to mobility issues and noticed very few benches in the downtown with no side rails; heard a suggestion that the Post Office would be a good location for a bench; and heard plans on how the tribe is celebrating Indigenous Peoples' Day and invited the City to participate.

Hear City Manager Updates

The City Manager reported that the annual downtown trick-or-treat event will take place from 10:00 A.M. to noon with businesses handing out candy from the curbside and neighborhood trick-or-treating is from 6:00 P.M. to 8:00 P.M. and the City strongly recommends participants to wear masks and adhere to social distancing; that last Friday, the Michigan Supreme Court ruled that Governor Whitmer lacks the authority to extend or declare states of emergency in relation to the COVID-19 pandemic and that the City will continue following mask wearing and social distancing guidelines; that the City closed on the purchase of the Midwest Siding building and land; provided updates on the Kalamazoo Avenue reconstruction project; that the Compensation Commission will meet for the first time on October 21 to discuss salary recommendations for the Mayor and Councilmembers; and that Jackson Street reconstruction project has been completed.

City Councilmembers inquired if Mitchell Street will be closed during evening trick-or-treat and that by keeping the street open it causes more congestion on the sidewalks.

Approve 2021-2026 Capital Improvement Plan – Resolution No. 19457

The City Manager reviewed that this was a second discussion of the proposed six-year Capital Improvement Plan for 2021-2026; that the Planning Commission reviewed the draft CIP on August 20 and unanimously recommended approval by City Council; and that the draft CIP was posted on the City's website on August 27 with four comments received. The City Manager reviewed that the six-year plan totals \$51.8M in expenditures, with capital spending in 2021 proposed at \$4.5M, of which \$921,500 (20.4%) is anticipated to come from grants and other outside sources of revenue; that if approved, projects will be included within the 2021 proposed annual City budget; and reviewed 2021 projects in detail.

City Councilmembers inquired on Solanus Beach improvements and the possibility of erosion and were informed it would be reviewed prior to beginning the project since it is identified in the CIP and inquired on the fuel system at the Marina and were informed it is elevated and not compromised by high water levels.

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

WHEREAS, as part of the City's annual budget-preparation process, the City Planner submitted to the Planning Commission on August 20, 2020 the City staff's proposed update to the City's six-year capital improvement program; and

WHEREAS, the Planning Commission reviewed this proposed 2021-2026 Capital Improvement Program on August 20, 2020, and recommended its adoption by the City Council; and

WHEREAS, the City Council reviewed the proposed plan on September 21, 2020 and October 5, 2020 and concurs with the recommendation of the Planning Commission:

NOW, THEREFORE, BE IT RESOLVED that the City of Petoskey City Council does and hereby approves the 2021-2026 Capital Improvement Program as submitted by the City Manager dated October 5, 2020 and approved by the Planning Commission August 20, 2020.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Hear Forestry Assessment and Management Plan Presentation

The Parks and Recreation Director along with Lee Mueller, consultant from Davey Resource Group, gave a brief presentation highlighting some of the areas within the forestry program where the City has successes and also areas to improve; reviewed how inventory was taken; that the Davey Resource Group inventoried over 3,500 trees and provided a management plan to assist with identifying best practices specifically to Petoskey forestry; and reviewed the database and how staff can maintain inventory.

City Councilmembers inquired if staff was planning on keeping the database and if the trees have been removed from the database that were lost in the storm from earlier this summer.

The Parks and Recreation Director responded that staff is looking at keeping the database and all trees have not been inventoried yet due to the large number of trees in the City and cost involved and that staff is still working on tree clean-up from the summer storm.

Accept Special Assessment Report & Schedule Public Hearing – Resolution No. 19458

The City Manager next reported that at its September 15 and September 18, 2020 meeting, the City's Downtown Management Board reviewed and approved its proposed budget for downtown area programs and services for 2021 and recommended City Council levy a special assessment against all eligible, non-residential properties within the Management Board's jurisdictional territory, the proceeds from which would be used to finance costs of such programs and services; and increase the amount by 2% for the proposed special assessment compared to assessment-levy amounts that were used in 2020. The City Manager also reported that the Management Board's budget proposal would be included within the City's recommended 2021 Annual Budget, but City Code provisions required that the special-assessment process be done annually by City Council.

The City Manager further reported that the City Council was being asked to adopt a proposed resolution, a draft of which was included with the report, that would: confirm that costs of proposed downtown-area programs and services would be offset by special-assessment revenues; designate the special-assessment district; approve the recommended special-assessment formula; and schedule an October 19 public hearing to receive comments concerning the proposed programs and services. The City Manager also reported that a second public hearing to receive comments concerning the proposed special-assessment roll was tentatively scheduled for the November 16, 2020, City Council meeting.

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

WHEREAS, the City Council in 1994 appointed members of the City's Downtown Development Authority Board as a "Downtown Management Board" under provisions of Act 120 of the Public Acts of Michigan of 1961, as amended by Act 146 of 1992; and

WHEREAS, at its September 15 and September 18, 2020, meetings, the Downtown Management Board discussed the need to continue to provide certain programs and services that are believed to be beneficial to the City's principal shopping area; and

WHEREAS, the Downtown Management Board has developed a recommended formula by which properties within the Board's district could be specially assessed as a means of obtaining revenues to offset costs of the Board's proposed programs and services for the year 2021; and

WHEREAS, the City Council has reviewed a report dated September 30, 2020, by the City Manager that lists those proposed programs and services as recommended by the Downtown Management Board and the proposed roll that would spread special assessments against properties within the Management Board's district:

NOW, THEREFORE, BE IT RESOLVED that the City of Petoskey City Council does and hereby determines that a portion of the expense of these proposed programs and services shall be defrayed by special assessments upon those properties especially benefited; and

BE IT FURTHER RESOLVED that the nature of these proposed programs and services shall include such activities as events, economic enhancement, beautification, marketing and promotions, and administration for costs estimated at \$186,200; that all portions of such costs shall be paid by special assessments and other related revenues, without a general obligation of the City; that such special-assessment revenues shall be collected in a single-installment payment; and that such assessments shall be levied in a district with boundaries that are to be coterminous to those of the Downtown Management Board's jurisdictional territory; and

BE IT FURTHER RESOLVED that the City Council does and hereby sets forth the basis of this special assessment by use of a formula that has been recommended by the Downtown Management Board to increase the amount by 2% for the proposed special assessment compared to the recommended 2020 formula and that has been calculated by the City staff based upon square footage of useable, non-residential building area and vacant properties, which the City Council has determined to be the most equitable to the greatest number of property owners concerned; and

BE IT FURTHER RESOLVED that the City Council does and hereby schedules a public hearing for 7:00 P.M., Monday, October 19, 2020, to receive comments concerning these proposed programs and services; and

BE IT FURTHER RESOLVED that the City Council does and hereby directs the City staff to notify all property owners within the proposed assessment district of potential property assessments and the October 19, 2020, public hearing to receive comments concerning these proposed programs and services.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Approve Downtown Dining Deck Extension – Resolution No. 19459

The City Manager reviewed that in May of this year, in a group of several other recommendations that would help businesses during COVID, the DMB recommended to City Council that dining decks be allowed in parking spaces as a special accommodation during the coming summer. The City Manager further reviewed that this was a temporary measure to assist downtown businesses; that the resolution is set to expire on October 15, 2020; that the locally issued dining deck permit was tied to a special outdoor dining license that is issued by the State with an initial termination date of October 30, but has since extended its termination date until November 30; that DMB staff had a request from a restaurant owner asking the City to extend the allowance of dining decks; and that the DMB voted 5-0 at their special September 29 meeting recommending the extension until November 15 with decks to be removed by November 16, 2020, providing that no tents or sheltering coverings be added and that any heat sources be of commercial grade and inspected by appropriate personnel.

City Councilmember Walker moved that, seconded by City Councilmember Marshall to extend and allow dining decks on City streets until November 15, 2020 with the understanding that no tents or sheltering coverings be added to decks and that any heat sources be of commercial grade and inspected by appropriate personnel.

Said motion was adopted by the following vote:

AYES: Marshall, Shumway, Walker, Murphy (4)
NAYS: None (0)

Council Comments

Mayor Murphy commended the work by consultant and staff on the City trees.

Recess to Closed Session – Resolution No. 19460

City Council was being asked to adopt a resolution that would authorize to recess to a closed session pursuant to Section 8(a) and 8(h) of the Michigan Open Meetings Act, to consider a periodic personnel evaluation of the City Manager and consider material exempt from disclosure.

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

WHEREAS, the City Manager has requested that the City Council recess to a closed session, pursuant to Section 8(a) and 8(h) of the Michigan Open Meetings Act, to consider a periodic personnel evaluation of the City Manager and to consider material exempt from disclosure, at the City Council's regular meeting of October 5, 2020:

NOW, THEREFORE, BE IT RESOLVED that the City Council does and hereby authorizes to recess to a closed session, to consider a periodic personnel evaluation of the City Manager and consider material exempt from disclosure.

Said resolution was adopted by the following vote:

AYES: Marshall, Shumway, Walker, Murphy (4)
NAYS: None (0)

Adjourned into closed session at 8:25 P.M. and reconvened into open session at 11:15 P.M.

Approve City Manager Evaluation – Resolution No. 19461

The City Manager reviewed that his evaluation was discussed in closed session and the final evaluation document was produced for City Council approval.

City Councilmember Marshall moved that, seconded by City Councilmember Shumway to approve the final form of the City Manager evaluation.

Said motion was adopted by the following vote:

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

NAYS: None (0)

There being no further business to come before the City Council, this October 5, 2020, meeting of the City Council adjourned at 11:17 P.M.

John Murphy, Mayor

Alan Terry, Clerk-Treasurer