



## CITY COUNCIL

July 19, 2021

A regular meeting of the City of Petoskey City Council was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, July 19, 2021. 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  
Derek Shiels, 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 Works Director Michael Robbins, Parks and Recreation Director Kendall Klingelsmith and Executive Assistant Sarah Bek.

### **Consent Agenda - Resolution No. 19559**

Following introduction of the consent agenda for this meeting of July 19, 2021, City Councilmember Marshall moved that, seconded by City Councilmember Shiels adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the June 21, 2021 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 June 21, 2021 for contract and vendor claims at \$1,290,618.64, intergovernmental claims at \$6,681.08, and the June 24 and July 8 payrolls at \$484,827.33, for a total of \$1,782,127.05 be and is hereby acknowledged.

Said resolution was adopted by the following vote:

AYES: Marshall, Shiels, 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 reviewed that the Clerk's Office has fielded questions regarding the petitioning process to place a ballot question on the November General Election ballot to allow recreational marijuana provisioning centers in the City; that staff met with representatives from Top of Michigan Trail's Council regarding various issues with users on the Little Traverse Wheelway such as better signage, reducing current speed limits from 20mph to 15mph and working with local e-bike companies on educating users on proper trail protocol; that the State did not approve a low-income housing tax credit application for the proposed Lofts at Lumber Square on Emmet Street and that it appears without this incentive, the developer will not proceed with the project; that the Greenwood Road reconstruction project started today and is slated to be completed by mid-November; that staff will start contract negotiations with the Public Safety Lieutenant's division this week; congratulated Public Safety Officer's William Bowen and Karl Fritz on receiving the Medal of Valor award from the Michigan Association of Chiefs of Police (MACP) at a recent conference as a result of the officers' response to an active shooter situation that occurred in March of 2020 just inside Charlevoix County; that the City worked with MDOT and installed 29 bollards at the intersection of Eppler Road and US-31 to increase safety by better delineating motorist driving lanes with the de facto bike lane at this location; and that the Iron Belle Bridge installation and boardwalk on the college side has been completed with a ribbon cutting ceremony at 10:00 A.M., Thursday, August 5.

### **Approve Board and Commission Appointment – Resolution No. 19560**

Mayor Murphy reviewed that City Council consider the following appointment.

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

BE IT RESOLVED that the City Council does and hereby approves the appointment of Nan Casey, 114 East Lake Street, to the TIFA Board ending April 2025.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

### **Approve Board and Commission Appointment – Resolution No. 19561**

Mayor Murphy reviewed that City Council consider the following appointment.

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

BE IT RESOLVED that the City Council does and hereby approves the appointment of Carla Crockett, 1043 Curtis Avenue, to the TIFA Board to fill a vacated term ending April 2022.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

### **Approve Livable Petoskey Master Plan – Resolution No. 19562**

The City Planner reviewed that the Planning Commission provided notification that it would be updating the Blueprint Petoskey Master Plan in January 2019; that there was also interest by City Council at the time to create a sustainability plan; that rather than create separate documents, staff recommended that the master plan incorporate sustainability and resiliency as the foundation for the plan; that the City contracted with the Land Information and Access Association (LIAA) to develop a sustainability framework; reviewed process, public engagement and dates for public hearings and special meetings; that the Livable Petoskey Master Plan covers the required master plan topics, but follows a different format than the Blueprint Petoskey Master Plan; reviewed the six chapters including the Land Use and Zoning Plan and Implementation Chapters; and that the Planning Commission adopted the Livable Petoskey Master Plan on June 17, 2021 and recommended to City Council for final approval.

City Councilmembers inquired on the blueprint and that it is not set in stone and could change; commented that housing is outlined well in the plan; thanked the City Planner for her efforts on the plan; and that there are many strategies and covers many aspects.

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

WHEREAS, the Michigan Planning Enabling Act P.A. 33 of 2008 requires a master plan to be reviewed for possible updates every five years; and

WHEREAS, The City of Petoskey Planning Commission provided notice of intent to update the 2015 Blueprint Petoskey Master Plan to required jurisdictions and utilities on January 11, 2019; and

WHEREAS, The Commission began the Master Plan update with the development of a sustainability framework that was then incorporated into the Livable Petoskey Master Plan; and

WHEREAS, agendas and minutes of all meetings, as well as drafts of the Master Plan have been posted to the City of Petoskey website throughout the planning process; and

WHEREAS, the City of Petoskey City Council authorized distribution of the updated plan at its February 1, 2021 meeting; and

WHEREAS, the Planning Commission and City Council held a joint meeting on May 11, 2021 after the required 63 day review period to finalize the document; and

WHEREAS, the Livable Petoskey Master Plan 2021 meets all the requirements of Public Act 33 of 2008, as amended; and

WHEREAS, the Planning Commission held a public hearing on the updated plan at its June 17, 2021 meeting and no further public comment was received; and

WHEREAS, at the conclusion of the public hearing, the Planning Commission adopted the Livable Petoskey Master Plan through resolution.

NOW THEREFORE BE IT RESOLVED: That the City of Petoskey City Council hereby adopts the Livable Petoskey Master Plan to specifically include the text, charts, maps and graphics addressing community resilience and sustainability that includes background information on demographic changes, and goals and strategies in the areas of community identity and engagement, public health and safety, recreation, arts and culture opportunities, resource use reduction, climate resilience and natural resource management, infrastructure optimization, transportation and mobility options, neighborhoods for all, local economy assets and opportunities including redevelopment and infill development locations, and future land uses contained in the Master Plan report as presented.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

**Schedule Public Hearing for Proposed Obsolete Property Rehabilitation (OPRA) District 316 and 318 East Lake Street – Resolution No. 19563**

The City Manager reviewed that the City received an Obsolete Property Rehabilitation Act (OPRA) application from Tom Johnson working on behalf of Howard Property Partners LLC; that the Act allows for an abatement of local taxes for up to 12 years to assist in the redevelopment of older buildings; that the application is requesting the City to establish an OPRA District for a six-year tax abatement for 316 and 318 East Lake Street to renovate the properties; that the second and third stories of the buildings have been vacant for an estimated 90 years; that approval of the tax abatement is needed as a local match for Howard Property Partners LLC to qualify for an estimated \$925,000 Community Revitalization Program grant through MEDC; reviewed renovation plans; reviewed financial calculations of OPRA tax exemption; that both Emmet County Building Department and City Assessor identified the properties as unsafe for occupancy in its current condition and suffers in excess of 50% functional obsolescence; and that two resolutions would need to be approved creating the OPRA District and approving an OPRA Exemption Certificate Application, but a public hearing would need to be scheduled first to solicit comment for each resolution.

City Councilmember Shiels moved that, seconded by City Councilmember Wagner to schedule a public hearing for August 16, 2021 to solicit comments on the potential establishment of an Obsolete Property Rehabilitation Act District for 316 and 318 East Lake Street.

Said motion was adopted by the following vote:

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

NAYS: None (0)

**Schedule Public Hearing for Proposed Approval of an Obsolete Rehabilitation Exemption Certificate Application for 316 and 318 East Lake Street – Resolution No. 19564**

The City Manager reviewed that establishing an Obsolete Property Rehabilitation Act (OPRA) District and approving an Exemption Certificate Application is a three-step process; that two public hearings needed to be scheduled then consider resolution creating the OPRA District and approval of a resolution approving an OPRA Exemption Certificate Application; and that public hearing notices will be sent to Emmet County, North Central Michigan College, Greenwood Cemetery, Petoskey School District and Char-Em ISD and the applicant soliciting comment.

City Councilmember Walker moved that, seconded by City Councilmember Marshall to schedule a public hearing for August 16, 2021 to consider approval of an Obsolete Property Rehabilitation Exemption Certificate Application for 316 and 318 East Lake Street.

Said motion was adopted by the following vote:

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

NAYS: None (0)

**First Reading of a Zoning Ordinance Amendment Creating a New Section XXXIII C – College District**

The City Planner reviewed that after review and recommendation of the Howard Street/College Ring Road extensions in March, the Planning Commission discussed the creation of a new college zoning district for properties owned by North Central Michigan College; that the college is currently a special condition use in the R-1 Single Family District; that the Commission and College worked together on creation of the district that is designed to be similar to the H – Hospital Districts that provide longer term understanding of potential campus changes; reviewed uses included in the new district and that all currently exist on the campus, with the exception of an amphitheater and medical clinic identified as a potential development in the 10-15 year timeframe; reviewed district standards and that the main area of concern raised by Planning Commission was the proposed 60 feet of height for a future dormitory; and that the college prepared original draft of zoning ordinance in compliance with their master plan.

City Councilmembers discussed setbacks and expressed that the college should inform City Council now if the requirements are narrower than desired.

Dr. Finley, North Central Michigan College President, thanked those involved in the process.

City Council deferred action until the next meeting after a second reading of the proposed ordinance is conducted.

### **Hear Presentation on Electric Vehicle Charging Stations**

The Public Works Director gave a brief presentation on electric vehicle (EV) charging stations and that EV purchases has heightened the demand for EV charging infrastructure throughout the nation; that rate charging systems are based on the speed of charging and consist of three levels; that the City currently has a Level 2 charging station located in the southwest corner of the Darling Parking Lot and was installed in 2017 in conjunction with the Greenway Corridor project; that staff was contacted by a resident requesting permission to place an extension cord or charging station within the street right-of-way as a permanent "private" use structure; that with much consideration staff denied the request based on various issues relative to private use of a public right-of-way, but feel expanding charging station infrastructure in public places is prudent and aligns with the City's sustainability goals; and that the 2022-2027 CIP and 2022 Budget will include monies from the Electric Fund to study, design and install potentially two or three additional charging stations in 2022.

City Council discussed installing charging stations in any potential parking decks, discussed types of stations and possible locations throughout the City.

### **Authorize Contracting with MCSA Group, Inc. for Capital Needs Assessment Contract – Resolution No. 19565**

The Parks and Recreation Director reviewed that in 2020 the City budgeted funds for a Capital Needs Assessment, but could not be completed due to the COVID-19 pandemic, but \$25,000 has been budgeted for this year to complete the assessment; that per Goal One of the 2020 Action Plan, the capital needs assessment is considered a high priority task to determine repair and upkeep of parks, trails, shorelines and city buildings; that the information from the assessment will be used to consider potential new revenue sources to fund maintenance and upkeep of the infrastructure; the City offered bidders the option to provide two alternatives with the same scope for city buildings and Petoskey High/Middle School Recreation Complex; Petoskey Public School District is aware of the assessment and decided not to cost share alternate two; and that three bids were received and publicly opened on June 15, 2021.

City Councilmember Marshall moved that, seconded by City Councilmember Wagner to authorize contracting with MCSA Group, Inc., East Grand Rapids, for the primary scope of services and alternate one at a total cost not to exceed \$22,000.

Said motion was adopted by the following vote:

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

NAYS: None (0)

### **Accept American Recovery Plan Act Funds – Resolution No. 19566**

The Finance Director reviewed that the American Rescue Plan Act of 2021 is providing \$350 billion to states and local governments with the local government portion being \$130 billion; that smaller cities known as Non-Entitlement Units within the State of Michigan will receive \$644,291,475 with the City of Petoskey's share being \$602,472; that payment to the City will be made in two payments; that eligible expenditures include the period of March 3, 2021 through December 31, 2024; that the first step in the process is to complete the request for funding and submit to the Michigan Department of Treasury by July 27, 2021; and that four main categories for eligible expenditures will be discussed at a future Council meeting.

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

WHEREAS, the American Rescue Plan Act of 2021 became law on March 10, 2021 to provide funding to State and local governmental units; and

WHEREAS, in accordance with provisions of the Act the City is required to accept the available funding and to agree to the terms and conditions included within the Act; and

NOW, THEREFORE, BE IT RESOLVED that the City of Petoskey City Council does and hereby accepts the Coronavirus Local Fiscal Recovery Funds and requests payment from the State of Michigan:

BE IT FURTHER RESOLVED that the City of Petoskey City Council does and hereby authorizes the City Manager to sign all necessary documents related to the application and to submit the application to the State of Michigan Department of Treasury.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

**Council Comments**

Mayor Murphy asked for City Council comments and City Councilmember Walker reviewed activity at Ward and City Conventions. City Councilmember Wagner commented on the need for additional bike racks. City Councilmember Shiels inquired about yellow striping on a portion of Atkins Road and on school playgrounds that are closed to the public for YMCA Summer Camp. City Councilmember Marshall commended the Petoskey Garden Club's great work around the community and hoped staff could find resources to water flower baskets on the bridge rather than the Garden Club. Mayor Murphy thanked the July 4 Committee including Carlin Smith, Andy Hayes and Councilmember Wagner for their efforts on a successful July 4 including the fireworks and entertainment and that a ribbon cutting ceremony is scheduled for the new Iron Belle Bridge at 10:00 A.M., Thursday, August 5, 2021.

There being no further business to come before the City Council, this July 19, 2021, meeting of the City Council adjourned at 8:30 P.M.

John Murphy, Mayor

Alan Terry, Clerk-Treasurer