



CITY COUNCIL

October 4, 2021

A regular meeting of the City of Petoskey City Council was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, October 4, 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 Safety Director Matt Breed, Downtown Director Becky Goodman and Executive Assistant Sarah Bek.

Mayor Murphy presented Alan Terry, Director of Finance, Clerk-Treasurer, with a plaque acknowledging appreciation for the 28 years of service to the City and wished him well on his retirement.

Hear United Way Asset Limited, Income Constrained, Employed (ALICE) Report

Rebeca Otto, United Way Community Impact Director, gave a brief presentation on the 2021 Asset Limited, Income Constrained, Employed (ALICE) Report. Ms. Otto reviewed that ALICE has no safety net in times of crises, income falls short of essentials and is the working poor; that 38% of Michiganders live below the ALICE threshold; reviewed statistics of Char-Em households and 36.4% or 9,463 are below ALICE threshold; that individuals can give, advocate and volunteer to help United Way continue resources for those in need; and that 2-1-1 is an available resource to get connected and for those in need of help.

City Councilmembers inquired if code enforcement issues help or hurt those individuals in need; questioned what is considered affordable housing; requested more information on local data; and that the report provided good information and a snapshot of ALICE and that the Emmet County Helping Hands group on Facebook is a good resource for individuals.

Ms. Otto responded that code enforcement issues do not take into account individuals' needs or provide other resources, so 2-1-1 is the best resource and that there is a chart online that shows affordable housing statistics.

Consent Agenda - Resolution No. 19587

Following introduction of the consent agenda for this meeting of October 4, 2021, City Councilmember Wagner moved that, seconded by City Councilmember Walker adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the September 20, 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 September 20, 2021 for contract and vendor claims at \$1,077,482.50, intergovernmental claims at \$293,252.79, and the September 16 payroll at \$231,481.56, for a total of \$1,602,216.85 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 staff has been working with Verizon Wireless representatives regarding the installation of six 4G small cell pole installations within the community with proposed locations including Hill Street near the Petoskey High School campus, Howard Street near North Central Michigan College, Lafayette Avenue near West Traverse and Lafayette Apartments, Michigan Street area and East Lake Street near the Central Business District and Bayfront Drive near Ed White Field; that a special joint City Council and Planning Commission meeting is scheduled for 5:30 P.M., November 8 with a light dinner and discussion will be centered around affordable/workforce housing issues and potential regulations the Planning Commission is currently discussing; that the State Tax Commission approved Howard Property Partner's OPRA application for a tax abatement at 316 and 318 East Lake Street which is contingent upon the project receiving a Community Revitalization Program grant from MEDC which should be decided upon in early 2022; that the Finance Director recruitment with GovHR started October 1 with resumes due by November 12 with first interviews tentatively scheduled for early to mid-December; that staff met last week to discuss the draft 2022 Budget focusing on balancing revenues and expenditures and with several cuts and slightly raising some rates and charges a balanced budget will be discussed at the November 1 meeting; that Councilmember Shiels completed a form to potentially partner with University of Michigan graduate students to explore sustainable approaches to deer management in the City with costs to the City not to exceed \$1,000; and that Greenwood Road reconstruction is complete and construction crews anticipate opening the roadway on Wednesday.

City Councilmembers discussed the process of who should initiate potential applications for various projects such as the deer management survey and concurred that City staff take over project process; inquired on Verizon cell pole installations and if there were any public engagements on where installations could occur; if there were any poles currently installed in proposed locations; inquired why the tax abatement policy was not included for discussion on the agenda and if the policy will be discussed at the joint meeting; and asked who reviewed the Finance Director position announcement.

The City Manager responded that no cell poles have been installed, but Verizon representatives anticipate installation in Spring of 2022; that the tax abatement policy discussion was postponed since the agenda was quite lengthy; and he and the Executive Assistant reviewed Finance Director position announcement.

Mayor Murphy asked for public comment and heard an inquiry on public input and the lack thereof regarding Verizon Wireless cell pole locations.

Adopt Ordinance 781 Rezoning Properties to C – College District – Resolution No. 19588

The City Planner reviewed that after the creation of the C-College District was approved by City Council on August 2, the Planning Commission held a hearing to rezone the college-owned property south of Atkins Street to the new district at its August 19 meeting; that the Commission determined that the rezoning request was consistent with the future land use map and the goals and strategies of the Livable Petoskey Master Plan; that the Commission also determined that the proposed Master Site Facilities Plan, based on the 2019-2024 North Central Michigan College Master Plan, met the requirements of Section 3306 of the C-College District; and that this was the second discussion of the ordinance to rezone college property to C-College District from R-1 Single Family District.

City Councilmembers commented that at the MML Convention a vast majority of topics included that residents do not feel heard and seen on community matters; heard from those that hope the College takes into account residents' issues like motorist headlights due to relocating entrances/exits; heard from those supportive of the rezoning; and that City staff will provide better public engagement moving forward.

Mayor Murphy asked for public comments and heard from those questioning the 60' building height vs. 45' from street grade; heard from residents that felt left out of the process; questions regarding the current parking lot; inquiries if driveways were going to be moved and if berms could be used; that residents need better notification; and that other college campuses are located miles from residences and only eight homes are affected by this project.

Paul Leblanc, North Central Michigan College representative, commented on the parking lot and that there will be some grade change which could require excavation depending on building height and that the college will look at driveway placement.

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

ORDINANCE NO. 781

AN ORDINANCE TO AMEND THE ZONING DISTRICT MAP OF THE CITY OF PETOSKEY AS SET FORTH IN ORDINANCE NO. 451, THE ZONING ORDINANCE OF THE CITY OF PETOSKEY TO RE-ZONE SPECIFIC PROPERTIES FROM THE R-1 SINGLE FAMILY DISTRICT TO THE C- COLLEGE DISTRICT.

WHEREAS, a request to rezone 1515 Howard Street from R-1 Single Family to C- College District was made on June 3, 2021 by North Central Michigan College; and

WHEREAS, the subject properties are located on the southeast end of the City of Petoskey and hold community college facilities including classrooms, administrative offices, utility facilities, parking lots, a sculpture gallery, a community gymnasium, dormitories, cafeteria facilities, and a 195 acre natural area; and

WHEREAS, the subject property is currently within the R-1 Single Family District as a special condition use; and

WHEREAS, North Central Michigan College is required by the State of Michigan to adopt a five-year master plan that was last updated in 2019; and

WHEREAS, the City of Petoskey has been working with the College for several years on the extension of the internal ring road and the Planning Commission approved a design for the road to become a publicly dedicated street on March 18, 2021; and

WHEREAS, during the roadway discussion it was suggested that a new zoning district for the College that reflected the overall master plan would be appropriate; and

WHEREAS, the Planning Commission and College worked to draft district language that balances the needs of the community with future college expansion; and

WHEREAS, the new C College zoning district was adopted by City Council at its August 2nd, 2021 meeting; and

WHEREAS, the Planning Commission held a public hearing on the request to rezone the property from R-1 Single Family to C- College on August 19, 2021; and

WHEREAS, the Planning Commission made the determination that the rezoning of the subject property from R-1 Single Family to C- College District is consistent with the City Master Plan, Future Land Use Map and Zoning Plan, that the uses and development standards are compatible with surrounding uses, that the site is of sufficient size to accommodate the proposed uses, and that the rezoning will not adversely affect surrounding properties and recommended the rezoning to City Council on a 9-0 vote.

NOW THEREFORE, the City of Petoskey ordains:

1. The property known as 1515 Howard Street, specifically:

Parcel ID 52-19-08-100-016

COM AT PT ON SEC LN 653 FT M/L E OF SEC COR COM TO SEC'S 5 & 8 & SD PT BEING C/L OF WAUKAZOO AVE PRODUCED S, TH E ALG SD SEC LN 522.7 FT, TH S 250 FT, TH W PAR TO SEC LN 522.7 FT, TH N 250 FT TO BEG. COM AT NW COR OF SEC 8, TH E 33 FT TO POB. TH E 620 FT, S 250 FT, E 522.7 FT, N 250 FT, E 1431 FT TO N LN OF KALAMAZOO AVE, TH S 1320 FT, W 1287 FT, N 16.5 FT, W 1089 FT, TH NW'LY TO SD SEC LN, TH N 279 FT, S88°9'E 314.3 FT, TH N0°41'E 394.4 FT, TH N83°14'W 321.3 FT TO HOWARD ST, TH N 319 FT TO POB. ALSO COM AT SW COR OF NW 1/4 OF NW 1/4, TH E 82 RDS, N 1 RD, W 66 RDS, NW'LY TO SEC LN AT PT 21 RDS N OF POB, TH S ALG SEC LN 21 RDS TO POB. EXC COM 744.70 FT S OF NW COR OF SEC FOR POB, TH E 920 FT, S 352 FT, W 280.15 FT, N32°W 162 FT, N80°W 197 FT, W 360 FT, N 182 FT TO POB. EXC THAT PT OF THE ATKINS RD EXT DESC AS: PT OF SW ¼ OF SECTION 5 & PT OF NW ¼ OF SECTION 8; COM AT NW COR SEC 8, TH ALG N LN OF SD SEC 8 S89°57'00"E 33.01 FT TO E'LY LN OF HOWARD ST & POB, TH ALG SD LN N00°13'45"W 44 FT, TH S89°57'00"E 1285.94 FT, TH S15°57'57"E 2.68 FT, TH 84.13 FT ALG CURVE L, RAD 217 FT, DELTA 22°12'45", CHD N62°55'41"E 83.60 FT, TH N51°49'19"E 14.88 FT, TH 51 FT ALG CURVE R, RAD 283 FT, DELTA 10°19'29", CHD N56°59'03"E 50.93 FT, TH N27°51'12"W 11 FT, TH 333.28 FT ALG CURVE TO R, RAD 294 FT, DELTA 64°57'02", CHD S85°22'41"E 315.72 FT, TH S52°54'10"E 369.08 FT, TH 156.16 FT ALG CURVE L, RAD 206 FT, DELTA 43°26'04", CHD S74°37'12"E 152.45 FT, TH N06°20'14"W 39 FT, TH 79.75 FT ALG CURVE L, RAD 167 FT, DELTA 27°21'46", CHD N69°58'53"E 79 FT, TH S33°42'01"E 39 FT, TH 16.20 FT ALG CURVE L, RAD 206 FT, DELTA 04°30'25", CHD N54°02'47"E 16.20 FT, TH N51°47'35"E 160.77 FT, TH 187.19 FT ALG CURVE R, RAD 295.18 FT, DELTA 36°20'02", CHD N70°00'43"E 184.07 FT, TH S89°57'00"E 1.38 FT TO W'LY R/O/W OF KALAMAZOO ST, TH ALG SD W'LY R/O/W S00°07'10"W 44 FT TO SD N LN OF SEC 8, TH CONT ALG SD R/O/W S00°15'51"E 44 FT, TH 130.08 FT ALG CURVE L, RAD 207.18 FT, DELTA 35°58'18", CHD S69°49'51"W 127.95 FT, TH S51°47'35"W 155.36 FT, TH S38°12'25"E 44 FT, TH S51°47'35"W 5.34 FT, TH 40.11 FT ALG CURVE R, RAD 338 FT, DELTA 06°47'55", CHD S55°11'32"W 40.08 FT, TH N31°24'30"W 44 FT, TH 351.52 FT ALG CURVE R, RAD 294 FT, DELTA 68°30'20", CHD N87°09'20"W 330.95 FT, TH N52°54'10"W 369.08 FT, TH 233.52 FT ALG CURVE L, RAD 206 FT, DELTA 64°57'02", CHD N85°22'41"W 221.22 FT, TH N27°51'12"W 11 FT, TH 39.10 FT ALG CURVE L, RAD 217 FT, DELTA 10°19'29", CHD S56°59'03"W 39.05 FT, TH S51°49'19"W 14.88 FT, TH 109.71 FT ALG CURVE R, RAD 283 FT, DELTA 22°12'45", CHD S62°55'41"W 109.03 FT, TH S15°57'57"E 11 FT, TH 82.18 FT ALG CURVE R, RAD 294 FT, DELTA 16°00'57", CHD S82°02'32"W 81.91 FT, TH N89°57'00"W 539.06 FT, TH 93.61 FT ALG CURVE R, RAD 363.13 FT, DELTA 14°46'09", CHD S82°39'50"W 93.35 FT, TH N89°57'00"W 594.69 FT TO E'LY R/O/W OF HOWARD ST N00°13'45"W 56 FT TO POB. ALSO EXC COM AT N ¼ COR OF SD SEC, TH N89°14'57"W 1208.89 FT ALG N LN OF SD SEC TO POB, TH N89°14'57"W 100 FT ALG N LN OF SD SEC, TH S00°45'03"W 664.93 FT, TH N81°17'34"W 262.68 FT, TH S09°49'34"W 333.18 FT, TH S81°17'34"E 416.72 FT, TH N00°45'03"E 1015.26 FT TO POB. EXCEPTING THAT PORTION NORTH OF THE ATKINS STREET RIGHT-OF-WAY. SECTION 8, T34N, R5W; AND

Parcel ID 52-19-08-100-003

COM AT NW COR SEC 8 S ON SEC LN 316.2', TH S83°14'E 33.2' TO POB TH S83°14'E 321.3', TH S0°41'W 394.4', TH N88°09'W 314.3' TO E LN OF HOWARD ST., TH ALG SD LN 422.2' TO POB. SECTION 8, T34N, R5W; AND

Parcel ID 52-19-08-100-017

T OF NW ¼ OF SECTION 8, COM AT N ¼ COR OF SD SEC, TH N89°14'57"W 1208.89 FT ALG N LN OF SD SEC TO POB, TH N89°14'57"W 100 FT ALG N LN OF SD SEC, TH S00°45'03"W 664.93 FT, TH N81°17'34"W 262.68 FT, TH S09°49'34"W 333.18 FT, TH S81°17'34"E 416.72 FT, TH N00°45'03"E 1015.26 FT TO POB. SUBJ TO EASE(S) OF RECORD. SECTION 8, T34N, R5W; AND

Parcel ID 52-19-08-100-014

COM 744.7 FT S OF NW COR OF SEC FOR POB, TH E 920 FT, S 352 FT, W 280.15 FT, N-32-W 162 FT, N-80-W 197 FT, W 360 FT, N 182 FT TO POB, SECTION 8, T34N, R5W; AND

Parcel ID 52-19-08-100-005

SE 1/4 OF NW 1/4, NE 1/4 OF SW 1/4 & NW 1/4 OF SE 1/4. SECTION 8, T34N, R5W; AND

Parcel ID 52-19-08-200-016

SW 1/4 OF NE 1/4 SECTION 8, T34N, R5W; AND

Parcel ID 52-19-08-300-008

SW 1/4 OF SE 1/4 LYING E OF BEAR RIVER SECTION 8, T34N, R5W; AND

Parcel ID 52-19-17-100-022

NW 1/4 OF NE 1/4 LYING E OF BEAR RIVER SECTION 17, T34N, R5W.

is rezoned to C- College District, subject to all applicable zoning usages, standards, regulations, requirements, and conditions of that district.

2. The Zoning District Map of the City of Petoskey shall be, and the same hereby is, amended in order that the following described property be shown as located in the C-College District and the Zoning classification hereafter for said property shall be C- College:

Parcel ID 52-19-08-100-016

COM AT PT ON SEC LN 653 FT M/L E OF SEC COR COM TO SEC'S 5 & 8 & SD PT BEING C/L OF WAUKAZOO AVE PRODUCED S, TH E ALG SD SEC LN 522.7 FT, TH S 250 FT, TH W PAR TO SEC LN 522.7 FT, TH N 250 FT TO BEG. COM AT NW COR OF SEC 8, TH E 33 FT TO POB. TH E 620 FT, S 250 FT, E 522.7 FT, N 250 FT, E 1431 FT TO N LN OF KALAMAZOO AVE, TH S 1320 FT, W 1287 FT, N 16.5 FT, W 1089 FT, TH NW'LY TO SD SEC LN, TH N 279 FT, S88°9'E 314.3 FT, TH N0°41'E 394.4 FT, TH N83°14'W 321.3 FT TO HOWARD ST, TH N 319 FT TO POB. ALSO COM AT SW COR OF NW 1/4 OF NW 1/4, TH E 82 RDS, N 1 RD, W 66 RDS, NW'LY TO SEC LN AT PT 21 RDS N OF POB, TH S ALG SEC LN 21 RDS TO POB. EXC COM 744.70 FT S OF NW COR OF SEC FOR POB, TH E 920 FT, S 352 FT, W 280.15 FT, N32°W 162 FT, N80°W 197 FT, W 360 FT, N 182 FT TO POB. EXC THAT PT OF THE ATKINS RD EXT DESC AS: PT OF SW ¼ OF SECTION 5 & PT OF NW ¼ OF SECTION 8; COM AT NW COR SEC 8, TH ALG N LN OF SD SEC 8 S89°57'00"E 33.01 FT TO E'LY LN OF HOWARD ST & POB, TH ALG SD LN N00°13'45"W 44 FT, TH S89°57'00"E 1285.94 FT, TH S15°57'57"E 2.68 FT, TH 84.13 FT ALG CURVE L, RAD 217 FT, DELTA 22°12'45", CHD N62°55'41"E 83.60 FT, TH N51°49'19"E 14.88 FT, TH 51 FT ALG CURVE R, RAD 283 FT, DELTA 10°19'29", CHD N56°59'03"E 50.93 FT, TH N27°51'12"W 11 FT, TH 333.28 FT ALG CURVE TO R, RAD 294 FT, DELTA 64°57'02", CHD S85°22'41"E 315.72 FT, TH S52°54'10"E 369.08 FT, TH 156.16 FT ALG CURVE L, RAD 206 FT, DELTA 43°26'04", CHD S74°37'12"E 152.45 FT, TH N06°20'14"W 39 FT, TH 79.75 FT ALG CURVE L, RAD 167 FT, DELTA 27°21'46", CHD N69°58'53"E 79 FT, TH S33°42'01"E 39 FT, TH 16.20

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Parcel ID 52-19-08-100-003

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Parcel ID 52-19-08-100-017

T OF NW ¼ OF SECTION 8, COM AT N ¼ COR OF SD SEC, TH N89°14'57"W 1208.89 FT ALG N LN OF SD SEC TO POB, TH N89°14'57"W 100 FT ALG N LN OF SD SEC, TH S00°45'03"W 664.93 FT, TH N81°17'34"W 262.68 FT, TH S09°49'34"W 333.18 FT, TH S81°17'34"E 416.72 FT, TH N00°45'03"E 1015.26 FT TO POB. SUBJ TO EASE(S) OF RECORD. SECTION 8, T34N, R5W; AND

Parcel ID 52-19-08-100-014

COM 744.7 FT S OF NW COR OF SEC FOR POB, TH E 920 FT, S 352 FT, W 280.15 FT, N-32-W 162 FT, N-80-W 197 FT, W 360 FT, N 182 FT TO POB, SECTION 8, T34N, R5W; AND

Parcel ID 52-19-08-100-005

SE 1/4 OF NW 1/4, NE 1/4 OF SW 1/4 & NW 1/4 OF SE 1/4. SECTION 8, T34N, R5W; AND

Parcel ID 52-19-08-200-016

SW 1/4 OF NE 1/4 SECTION 8, T34N, R5W; AND

Parcel ID 52-19-08-300-008

SW 1/4 OF SE 1/4 LYING E OF BEAR RIVER SECTION 8, T34N, R5W; AND

Parcel ID 52-19-17-100-022

NW 1/4 OF NE 1/4 LYING E OF BEAR RIVER SECTION 17, T34N, R5W.

3. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

4. This Ordinance shall take effect fifteen (15) days following its enactment and shall be published once within seven (7) days after its enactment as provided by Charter.

Said ordinance was adopted by the following vote:

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

NAYS: None (0)

Approve 2022-2027 Capital Improvement Plan – Resolution No. 19589

The City Manager reviewed that at the September 20 City Council meeting, he made a presentation regarding the draft 2022-2027 Capital Improvement Plan; that City Council recommended no changes to the draft document and instructed staff to continue to solicit feedback on the plan via the City's website; that as of September 30 no comments had been received; and reviewed 2022 projects.

City Councilmembers discussed how the approved CIP works and that it is part of the annual budget process.

City Councilmember Walker moved that, seconded by City Councilmember Wagner 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 19, 2021 the City staff's proposed update to the City's six-year Capital Improvement Plan; and

WHEREAS, the Planning Commission reviewed the proposed 2022-2027 Capital Improvement Plan on August 19, 2021, and recommended its adoption by the City Council; and

WHEREAS, the City Council reviewed the proposed plan on September 20 and October 4, 2021 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 2022-2027 Capital Improvement Plan as submitted by the City Manager dated October 4, 2021 and approved by the Planning Commission August 19, 2021.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Accept Special Assessment Report & Schedule Public Hearing – Resolution No. 19590

The City Manager next reported that at its September 21, 2021 meeting, the City's Downtown Management Board reviewed and approved its proposed budget for downtown area programs and services for 2022 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 2021. The City Manager also reported that the Management Board's budget proposal would be included within the City's recommended 2022 Annual Budget, but City Code provisions required that the special-assessment process be approved 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 18 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 15, 2021, City Council meeting.

City Councilmembers inquired who receives the assessment and City staff responded that typically the property owner receives the assessment and passes the bill on to the tenant.

City Councilmember Marshall moved that, seconded by City Councilmember Walker 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 21, 2021 meeting, 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 2022; and

WHEREAS, the City Council has reviewed a report dated September 28, 2021, 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 \$155,300; 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 2021 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 18, 2021, 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 18, 2021, public hearing to receive comments concerning these proposed programs and services.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Discuss Code Enforcement Program

The Public Safety Director reviewed that when first adopted, the International Property Maintenance Code (IPMC) was to be used as a tool to address properties of concern; that in November 2020, City Council indicated they would prefer staff take a more proactive approach to code enforcement which included matters related to IPMC and Chapter 13 Nuisances; that a plan was developed and implemented in May 2021; that the first week of every month each ward within the City is checked for potential violations and when violations are located, Officers advise the homeowners and educate them on the ordinance in question; that education rather than enforcement action is the primary method of correcting violations; that the program resulted in an increase in the number of reported code violations, however the number of citations issued showed no significant increase; and reviewed ordinance violations and statistics over the past three years.

City Councilmembers discussed the types of violations and how they were finalized; reviewed IPMC issues with various properties within the City; and discussed the need and potential responsibilities of a Code Enforcement Officer.

The Public Safety Director responded that there are still some violations that involve larger issues that are still open.

Discuss Surplus City Property RFP – 209 Washington Street

The City Planner reviewed that at its June 21 meeting, City Council authorized staff to advertise for three surplus City-owned properties through a request for proposals (RFP); that a press release was submitted to the Petoskey News-Review along with notices sent to several organizations and on the City's website; that there were 21 unique RFP downloads from the City's website through the September 15 deadline; that a single proposal from Kathryn McConnell, 523 Woodland Avenue, was submitted for 209 Washington Street; that an existing house would be relocated from 611 Woodland Avenue to this vacant lot; that the offered purchase price is \$5,000 and if Council wished to move forward with the proposal, staff would bring back a purchase agreement for consideration; and that as there was no interest in the other City properties, City Council could consider working with housing non-profits or donating them to the Emmet County Land Bank that could potentially bring additional resources to their development.

Ms. McConnell reviewed that the 611 Woodland property would be split to adjoining owners for driveways and garages with potential ADUs if allowed.

City Councilmembers discussed what type of housing would be on the Washington Street lot; if it would be affordable housing and year-round; heard from those in support of the proposal; and concurred to have a purchase agreement for consideration at a future meeting.

Ms. McConnell responded that she hopes to have two possible units and year-round housing.

Mayor Murphy asked for public comments and heard a comment that this would cause a net loss of housing in the community which is disappointing.

Great Lakes Center for the Arts Non-Profit Confirmation– Resolution No. 19591

The City Manager reviewed that Great Lakes Center for the Arts (GLCFA) requested local approval designating the organization as a recognized nonprofit in Petoskey for a charitable gaming license to host fundraising events.

City Councilmember Shiels moved that, seconded by City Councilmember Wagner to recognize Great Lakes Center for the Arts as a nonprofit organization in Petoskey and adoption of the resolution prepared by the State of Michigan for a charitable gaming license.

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 Wagner commented that when asked how he will be communicating with residents, he indicated technology is a huge part in getting information out to citizens. City Councilmember Shiels commented that at the MML conference topics included American Rescue Plan Act funds and encouraged municipalities to consider State and Federal dollars in addition to local funding. City Councilmember Marshall voiced concern with traffic on side streets such as Michigan and State Streets and the need for traffic calming for pedestrian safety purposes.

Mayor Murphy asked for public comment and heard from a Michigan Street resident that understands the vehicular traffic may not be speeding, but is concerned with the lack of traffic calming with so many children in the area.

Recess to Closed Session – Resolution No. 19592

City Council was being asked to adopt a resolution that would 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 discuss material exempt from disclosure.

City Councilmember Wagner moved that, seconded by City Councilmember Marshall 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 discuss material exempt from disclosure, at the City Council's regular meeting of October 4, 2021:

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 to discuss material exempt from disclosure.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Recessed into closed session at 9:40 P.M. and reconvened into open session at 11:30 P.M.

There being no further business to come before the City Council, this October 4, 2021, meeting of the City Council adjourned at 11:31 P.M.

John Murphy, Mayor

Alan Terry, Clerk-Treasurer