



## CITY COUNCIL

January 17, 2022

A regular meeting of the City of Petoskey City Council was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, January 17, 2022. 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  
Tina DeMoore, City Councilmember  
Derek Shiels, City Councilmember  
Brian Wagner, City Councilmember  
Lindsey Walker, City Councilmember

Absent: None

Also in attendance were Interim City Manager/Clerk-Treasurer Alan Terry, Finance Supervisor Audrey Plath and Executive Assistant Sarah Bek.

### **Consent Agenda - Resolution No. 19623**

Following introduction of the consent agenda for this meeting of January 17, 2022, City Councilmember Wagner moved that, seconded by City Councilmember DeMoore adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the January 3, 2022 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 January 3, 2022 for contract and vendor claims at \$2,367,627.74, intergovernmental claims at \$11,513.06, and the January 6 payroll at \$245,447.78, for a total of \$2,624,588.58 be and is hereby acknowledged.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

### **Hear Public Comment**

Mayor Murphy asked for public comments and heard a comment from Tristan Cole, former Michigan House of Representative, introduced himself and that he is running for the 37<sup>th</sup> Michigan Senate District and is a voice for northern Michigan; and also heard a comment in favor of ADUs.

Councilmembers inquired about Mr. Cole's position on short-term rental legislation and on new redistricting and if he's able to run now in the 37<sup>th</sup> District. Mr. Cole responded that he is supportive of local controls on short-term rentals since every community is different, and that he has lived in the 37<sup>th</sup> District all along and lives in Antrim County.

### **Hear City Manager Updates**

The City Manager reviewed that two City Planner interviews will be conducted on Wednesday; that the City Manager brochure was placed this week on various job boards with a February 4, 2022 application deadline to the recruiter; that the Winter Sports Park building and ice rink opened last Friday; that select water customers were sent annual freeze letter to begin running water due to frost conditions and shallow water service lines; that a citizen contacted staff opposing the fortunetelling ordinance and the City Attorney provided an opinion that ordinance is enforceable if payment is required for service; and reviewed with City Council possible options to leave ordinance as is, revise and allow for religious purposes, etc. or repeal ordinance and was asking for Council input; and reported that there will be an upcoming May special election for Char-Em ISD.

City Councilmembers discussed the fortunetelling ordinance and heard comments that the ordinance is antiquated; heard from the majority in favor of repealing the ordinance; and inquired on the special May election and how it would be paid since it was not included in the 2022 Budget.

The City Manager responded that staff would consult the City Attorney to determine procedures to repeal the fortunetelling ordinance and that the taxing unit calling the special election pays for election and in this case the ISD is required to reimburse the City for election costs.

### **Approve Board and Commission Appointment – Resolution No. 19624**

Mayor Murphy reviewed that City Council consider the following appointment.

City Councilmember Walker 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 Mike Atchison, 1033 Hoffman Street, to the District Library Board to fill a vacated term ending January 2025.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

### **Approve MDNR Waterways Grant for Marina Fuel Replacement – Resolution No. 19625**

The City Manager reviewed that in November City Council approved a contract for \$395,000 with R.W. Mercer to proceed with the Marina fuel storage project; that City Council previously approved a MDNR Waterways matching grant for \$125,000; that the contractor could order the tank with construction to take place after the marina closed in 2022 if grant is approved; that the proposed grant request is for an additional \$72,500 matching grant to assist with the unanticipated increase in cost; that the 50/50 total matching grant would be \$197,500 each for the project; and that the Parks and Recreation Commission approved and recommended to City Council to consider authorizing the submission of a Waterways Infrastructure Improvement Grant application to the MDNR.

City Councilmembers gave kudos to the grant writer and the City Manager reported it was Kendall Klingelsmith, Parks and Recreation Director.

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

WHEREAS, the City of Petoskey City Council hereby recognizes the need to keep the Petoskey Municipal Marina and its infrastructure a safe, functional facility and supports the need to upgrade the fuel storage system; and

WHEREAS, the Michigan Department of Natural Resources is accepting Waterways Grant Program applications for marina infrastructure improvement projects that include upgrades and improvements; and

WHEREAS, the City of Petoskey Parks and Recreation Commission supports the proposed grant application and requests that City Council consider authorizing the submission of the Waterways Grant application to the Michigan Department of Natural Resources for \$145,000, agree to provide a 50% of the grant match of \$72,500, and designate the City Manager or his designee as project representatives:

NOW, THEREFORE, BE IT RESOLVED, that the City of Petoskey City Council does and hereby confirms its intent to submit to the Michigan Department of Natural Resources, a Waterways Grant Program application in the amount of \$145,000 to upgrade and replace the fuel storage system at the Petoskey Municipal Marina and further commits to provide a 50% grant match of \$72,500 toward the project; and

BE IT FURTHER RESOLVED, that the City of Petoskey City Council hereby confirms its intent to authorize the City Manager, or his designee, to serve as the City of Petoskey's representative for the Waterways Grant Program for the marina electrical upgrade project.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

**Introduction of Proposed Ordinance to Amend Sections 601, 603, 701, and 1600 of Appendix A of the Zoning Ordinance**

The City Manager reviewed that at its December 16 meeting, the Planning Commission held a public hearing on ordinance amendments to remove barriers to housing construction and provision of daycares and recommended changes to City Council; reviewed that changes center on regulations in the multiple family residential zoning districts including clarification that single family dwellings in the multiple family districts are regulated by the R-2 Single Family District standards and multiple family dwellings by the RM-1 and RM-2 Multiple Family District standards; removal of local play area requirements for day care facilities; eliminate conflicted footnotes in the Schedule of Regulations; and reviewed proposed amendments in each section.

City Councilmembers inquired on Section 603 regarding eliminating outdoor play areas provisions and City Manager noted that state regulations takes precedence. Councilmember Shiels distributed information to Councilmembers for proposed setbacks in each zoning district. Council discussed the proposal and the process of initiating and approving zoning amendments.

The proposed zoning amendment will be further discussed at the next regular City Council meeting.

**Council Comments**

Mayor Murphy asked for City Council comments and Councilmember Walker inquired on American Rescue Plan funds and how funds would be spent. The City Manager noted funds have not been spent and Council will determine purpose at a later date. City Councilmember Wagner attended the Northern Michigan Chamber Alliance meeting in Traverse City and that Petoskey received a lot of positive press. City Councilmember Shiels thanked the Parks and Recreation staff for efforts in getting the Winter Sports Park open and that it is an asset for the City, that a Housing Director has been hired and expects that with a Director it will bring in other organizations to discuss housing and future development in Petoskey. City Councilmember DeMoore noted that today is Martin Luther King Day and that Council discussion demonstrates what democracy is about, inquired if the short-term rental survey was still available on the website, which it is, and encouraged residents to fill out, and that MML Live with the League webinars are very valuable and occur every two weeks. Mayor Murphy commented on the great discussion on policy and procedures even though everyone may not agree, but Council and the City are heading in the right direction.

There being no further business to come before the City Council, this January 17, 2022, meeting of the City Council adjourned at 7:55 P.M.

John Murphy, Mayor

Alan Terry, Clerk-Treasurer