



CITY COUNCIL

February 6, 2017

A regular meeting of the City of Petoskey City Council was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, February 6, 2017. 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
Izzy Lyman, City Councilmember
Grant Dittmar, City Councilmember
Jeremy Wills, City Councilmember

Absent: None

Also in attendance were City Manager Robert Straebel, Clerk-Treasurer Alan Terry, City Planner Amy Tweeten, Director of Public Safety Matthew Breed, Downtown Director Becky Goodman and City Attorney James Murray.

Resolution No. 19032
Approve Consent Agenda Items

Following introduction of the consent agenda for this meeting of February 6, 2017, City Councilmember Marshall moved that, seconded by City Councilmember Dittmar adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the January 12, 2017 special-session and January 16, 2017 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 16 for contract and vendor claims at \$567,547, intergovernmental claims at \$29,854.02, and the January 26 payroll at \$190,394.55, for a total of \$787,795.57 be and is hereby acknowledged.

Said resolution was adopted by the following vote:

AYES: Marshall, Lyman, Dittmar, Wills, 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 Economic Development Strategic Plan as part of the RRC program has been reviewed by various Boards and will be presented to Council at the next meeting; that a representative from Networks Northwest, formerly Northwest Michigan Council of Government, will present a workforce housing presentation at the next Council meeting; reviewed there are encroachments as part of Greenway Corridor Phase II;

that Kendall Klingelsmith, Byron Center, accepted the Parks and Recreation Director position and will start work March 13; that the Walker Parking Study and recommendations will be discussed at a future meeting; and that the City's website revamp project is beginning next week.

There were public comments concerning parking and if the City was moving forward on a parking deck and that the 200 East Lake Street property should be considered for a deck.

Resolution No. 19033 – 19038
Confirm Appointments

Mayor Murphy reviewed that City Council consider possible appointments to the Downtown Management Board, District Library Board, Tax Increment Finance Authority Board (TIFA), Zoning Board of Appeals, Board of Review and Parks and Recreation Commission. Councilmembers inquired that some applications were not complete and if that mattered for approval process. Mayor Murphy responded that it is not required and is at the discretion of the Mayor as to what information to provide.

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

BE IT RESOLVED that the City Council does and hereby approves the appointment of Edward Karmann, 7139 Mission Road, Alanson, to the Downtown Management Board for a four-year term ending December 2020.

Said resolution was adopted by the following vote:

AYES: Marshall, Lyman, Dittmar, Wills, Murphy (5)
NAYS: None (0)

Resolution No. 19034

City Councilmember Dittmar moved that, seconded by City Councilmember Wills adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby approves the reappointment of Susanne Fantini, 109 Division Street, Christine Gebhard, 618 East Mitchell Street, and John Smith, 815 Lindell Avenue, to the District Library Board all for four-year terms ending January 2021.

Said resolution was adopted by the following vote:

AYES: Marshall, Lyman, Dittmar, Wills, Murphy (5)
NAYS: None (0)

Resolution No. 19035

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

BE IT RESOLVED that the City Council does and hereby approves the reappointment of Shirley Burns, 215 Division Street, to the TIFA Board for a four-year term ending April 2019; and

BE IT FURTHER RESOLVED that the City Council does and hereby approves the appointment of David Fairfield, 909 Eppler Road, to the TIFA Board for a four-year term ending April 2019; George Robson, 606 Grove Street, to the TIFA Board for a four-year term ending April 2021; Clark Smith, 710 Michigan Street, to the TIFA Board for a four-year term ending April 2021;

Henry Pfeifer, 901 Michigan Street, to the TIFA Board for a four-year term ending April 2021; and Linda Bade, 4984 Wildwinds Drive, to the TIFA Board for a four-year term ending April 2020.

Said resolution was adopted by the following vote:

AYES: Marshall, Lyman, Dittmar, Wills, Murphy (5)

NAYS: None (0)

Resolution No. 19036

City Councilmember Wills moved that, seconded by City Councilmember Lyman adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby approves the appointment of Mary Clinton, 1004 Howard Street, to the Zoning Board of Appeals for a three-year term ending April 2018; and Robert "Scott" Morrison, 740 Lockwood Avenue, to the Zoning Board of Appeals for a three-year term ending April 2019.

Said resolution was adopted by the following vote:

AYES: Marshall, Lyman, Dittmar, Wills, Murphy (5)

NAYS: None (0)

Resolution No. 19037

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

BE IT RESOLVED that the City Council does and hereby approves the appointment of Joel Wurster, 909 Spruce Street, to the Board of Review for a three-year term ending April 2019; and Mark Gaylord, 211 Summit Street, to the Board of Review as the alternate for a three-year term ending April 2017.

Said resolution was adopted by the following vote:

AYES: Marshall, Lyman, Dittmar, Wills, Murphy (5)

NAYS: None (0)

Resolution No. 19038

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

BE IT RESOLVED that the City Council does and hereby approves the reappointment of Michael Morey, 700 Grand Avenue, and Kenneth Turk, 506 Morgan Street, to the Parks and Recreation Commission both for two-year terms ending January 2019; and

BE IT FURTHER RESOLVED that the City Council does and hereby approves the appointment of Sharon Walker, 421 Wachtel Avenue, to the Parks and Recreation Commission for a two-year term ending January 2019.

Said resolution was adopted by the following vote:

AYES: Marshall, Lyman, Dittmar, Wills, Murphy (5)

NAYS: None (0)

Resolution No. 19039 – Approve
Labor Attorney Appointment

The City Manager reviewed that City Council interviewed two candidates for the position of Labor Attorney on January 12, 2017. City Council further discussed at their February 6 meeting and tabled the matter. The candidates were Dick Dinon, Dinon Law PLLC, Petoskey, and Kenneth Gonko, The Danielson Group, Chesterfield.

City Councilmembers voiced concerns about sustainability of finances and that finances were not the issue; that a set of fresh, new eyes may be advantageous; appreciative of others views; discussed how negotiation issues are determined; and that travel fees are extremely high.

Mayor Murphy asked for public comments and heard inquires if they felt candidates were equally qualified if names were unknown and that Council is speculating Mr. Gonko will do better vs. the successful negotiations performed by Mr. Dinon.

City Councilmember Wills moved that, seconded by City Councilmember Lyman adoption of the following resolution:

WHEREAS, Section 5.4 of the City Charter requires City Council appoint the City Attorney and the City Council may engage other attorneys with expertise in specific legal matters; and

WHEREAS, Mr. Dick Dinon has served in the capacity of Labor Attorney for the City of Petoskey for the past several years and has recently started his own law firm, Dinon Law, PLLC; and

WHEREAS, the City Council desires to continue to utilize Mr. Dinon's legal services for labor relations as articulated in the November 14, 2016 engagement proposal; and

WHEREAS, the City Council will continue with the appointment of Mr. James Murray of Plunkett Cooney as the official City Attorney:

NOW, THEREFORE BE IT RESOLVED, that the City of Petoskey's City Council hereby appoints Mr. Dick Dinon from Dinon Law PLLC as the City's Labor Attorney for labor relations as stated in an engagement proposal dated November 14, 2016.

Said resolution was adopted by the following vote:

AYES: Marshall, Lyman, Dittmar, Wills, Murphy (5)

NAYS: None (0)

Discuss Pennsylvania Park Restroom
Expansion/Renovation Project

The City Manager reviewed that City Council discussed the proposed downtown bathroom expansion/renovation project at their January 16 meeting. City Council discussed proceeding in 2017 or to pursue grant funding this year, and that if awarded, would be available in 2018. City Council directed City staff to begin working on a Land and Water Conservation grant that is due April 1 and tabled matter until DMB discussed. DMB voted unanimously 7-0 on January 17, to partner with the City on the 2017 project splitting costs 50%/50% requiring the City to contribute \$150,000 from the General Fund Reserves and the DMB contribute \$150,000 from the Parking Fund Retained Earnings.

City Councilmembers commented that if grant money is available, then City staff should submit grant proposal to help fund the project; discussed a family bathroom option; and if using parking funds to construct bathrooms is an issue.

City Councilmember Marshall moved that, seconded by City Councilmember Wills to take the January 16, 2017 motion approving the project off table.

Said motion was adopted by the following vote:

AYES: Marshall, Lyman, Dittmar, Wills, Murphy (5)

NAYS: None (0)

Mayor Murphy asked for public comments and heard a comment that there shouldn't be any conflicts with parking funds used for project since users expect; concerns that the \$300,000 cost of project is high; that visitors comment that the bathrooms are a disgrace; heard from those in favor of the project moving forward in 2017; and that project wasn't in the budget and City staff should wait a year and submit a grant.

Resolution No. 19040 – Approve 2016
Tri-County Hazard Mitigation Plan

The City Manager reviewed that Charlevoix, Cheboygan and Emmet Office of Emergency Management (CCEOEM) completed an updated 2016 Hazard Mitigation Plan. Previously the three counties each had their own Hazard Mitigation Plan. The plan addresses natural hazards and mitigation actions to reduce future risk and determines funding for projects within the Tri-County area. If a natural hazard were to develop within the City the plan can be amended to include the hazard and thus enable the City to apply for federal financial relief. The Tri-County plan has been approved by all three counties, the Michigan State Police and FEMA.

Megan Anderson, Director of Charlevoix, Cheboygan and Emmet County Office of Emergency Management and Home Land Security, reviewed the plan, its purpose and that it is a standard plan necessary to apply for grants.

City Councilmembers inquired why technological hazards aren't listed in the plan and inquires on NOAA weather notifications. Ms Anderson responded that within the plan those items listed were not a concern for the service area.

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

WHEREAS the Counties of Charlevoix, Cheboygan and Emmet, MI, have experienced natural hazards that result in public safety hazards and damage to private and public property; and

WHEREAS the hazard mitigation planning process set forth by the State of Michigan and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk; and

WHEREAS the Michigan State Police Emergency Management and Homeland Security Division is providing federal mitigation funds to support development of the mitigation plan; and

WHEREAS the Hazard Mitigation Plans for Charlevoix, Cheboygan and Emmet Counties have been combined and updated by the Tri-County Office of Emergency Management; and

WHEREAS the Hazard Mitigation Plan includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property; and

WHEREAS the draft plan was provided to each participating jurisdiction and was posted on the Tri-County Office of Emergency Management's website so as to introduce the planning concept and to solicit questions and comments from the public; and

WHEREAS public hearings were held in Charlevoix, Cheboygan and Emmet County to allow the public the opportunity to comment on the plan; and

WHEREAS, the Charlevoix, Cheboygan and Emmet County Multi-Jurisdictional Hazard Mitigation Plan, as submitted to and approved by the Michigan State Police Emergency Management and Homeland Security Division and the Federal Emergency Management Agency on October 20, 2016 by the Tri-County Office of Emergency Management was adopted as an official plan of Counties of Charlevoix, Cheboygan and Emmet (the "Hazard Mitigation Plan"); and

WHEREAS, the local units of government in Charlevoix, Cheboygan and Emmet County as identified in the plan may now pursue implementation of the recommended high priority activities that are assigned to their respective units:

NOW THEREFORE BE IT RESOLVED:

1. The City of Petoskey hereby adopts the Hazard Mitigation Plan.
2. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Charlevoix, Cheboygan and Emmet County Board of Commissioners respectively and this resolution shall not be interpreted so as to mandate any such appropriations.
3. The Emergency Management Coordinator identified in the Plan is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress.

Said resolution was adopted by the following vote:

AYES: Marshall, Lyman, Dittmar, Wills, Murphy (5)

NAYS: None (0)

Resolution No. 19041
Approve Monetary Donation for
Public Safety Equipment

The City Manager reviewed that on January 19, 2017 the City received a \$14,000 donation from the Family of Christ Church, Petoskey, to be used for SCBA equipment and bullet proof vests. The donation will assist the City in purchasing new 4,500 psi air tank bottles and up to two new bullet proof vests. City Council is required to approve any donation in excess of \$10,000 per the Donation Acceptance Policy.

City Councilmembers inquired if the Church would add the City to the list of organizations they support on their website and that donation discussions began with Dan Ledingham on how to bring the donation to fruition. Pastor Brian Cornett was in attendance and responded that the Church is not looking for recognition; that the donation will be kept off website; and that their organization believes in being involved in the community.

City Councilmember Wills moved that, seconded by City Councilmember Lyman to approve acceptance of donation from Family of Christ Church, Petoskey, in the amount of \$14,000 to be used for SCBA equipment and bullet proof vests.

Said motion was adopted by the following vote:

AYES: Marshall, Lyman, Dittmar, Wills, Murphy (5)

NAYS: None (0)

Resolution No. 19042 - Approve
Supporting a Building Healthy
Communities Grant

The City Planner reviewed that the Michigan Department of Health and Human Services has provided a Building Healthy Communities grant opportunity to the Health Department of Northwest Michigan. Building Healthy Communities' two primary goals are to reduce unhealthy eating by increasing fruit and vegetable access, availability and consumption; and to increase physical activity by improving safety, access and availability for daily recreation and transportation. The Health Department of Northwest Michigan grant request for proposals is focused on the second goal.

City staff decided on a project that is supported by both the Parks and Recreation Master Plan and the Non-Motorized Facilities Plan since the focus of the grant is to improve accessibility, safety and availability of public greenspace for daily recreation and transportation. The grant proposal is to create an accessible pedestrian route that would connect Curtis Park and the surrounding neighborhood to the Bear River Valley. The proposal will improve accessibility into a City park, as well as provide a safe pedestrian connection between two greenspaces that will enhance use of each for those with limited mobility. Curtis Park is currently evaluated as providing poor barrier free access in the Parks and Recreation master Plan and this project would be a first step toward improving that status.

City Councilmembers commented that it is nice to have these assets for people in the community to utilize.

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

WHEREAS, the Health Department of Northwest Michigan received Building Healthy Communities grant funding from the Michigan Department of Health and Human Services and has released a Request for Proposals for greenspace improvement projects that will increase physical activity for which grant funding may be awarded; and

WHEREAS, one of the primary goals of the grant program is to increase physical activity by improving safety, access, and availability for daily recreation and transportation; and

WHEREAS, the City of Petoskey adopted a Non-Motorized Facilities Plan with the objectives of making connections between sidewalks and trails whenever possible and creating safe pedestrian crossings; and

WHEREAS, the City of Petoskey adopted the 2012-2017 Parks and Recreation Master Plan that evaluates the accessibility of existing parks and suggests projects to improve accessibility of parkland; and

WHEREAS, Parks and Recreation Master Plan identifies Curtis Park as a park that is deficient in accessibility and recommends installation of sidewalks; and

WHEREAS, City staff has explored several possible projects to submit for consideration and determined that improving access to Curtis Park and between Curtis Park and the Bear River Valley through the installation of new sidewalks and pedestrian crossings best meets the goals and intent of the grant:

NOW THEREFORE BE IT RESOLVED, that the City of Petoskey City Council authorizes the City Manager to apply to the Greenspace Improvements Projects Grant program for \$20,000 through the Health Department of Northwest Michigan and to take all necessary steps to execute agreements necessary to receive and redistribute funds.

Said resolution was adopted by the following vote:

AYES: Marshall, Lyman, Dittmar, Wills, Murphy (5)

NAYS: None (0)

Board or Commission
Application Discussion

The City Manager reviewed that over the past several months, City staff has received many incomplete applications for Board or Commissions. Specifically, applicants were not attaching “a paragraph that states your interest in serving on a Board or Commission and describe any special experiences or attributes you possess that make you qualified to serve”. To streamline the application process and make it easier for applicants to complete the form. Staff and Mayor Murphy made changes to the application spelling out explicitly what should be included in a brief letter with the application. Mayor Murphy was asking City Council to review the changes and provide input.

City Councilmembers provided input on removing the question regarding delinquent taxes making you ineligible and removing the letter requirement.

Mayor Murphy reviewed recommendations and concurred with Councilmember comments.

City Councilmembers further commented on where to advertise for Boards and Commission and that social media is a good outlet.

Hear Council Comments

Mayor Murphy asked for Council comments and Councilmember Wills showed his appreciation to those volunteering and getting involved on a Board or Commission; Councilmember Lyman commented that it was a productive meeting; Councilmember Marshall inquired if the DMB report will be provided monthly, which it will be; and Mayor Murphy reported that the Winter Carnival is coming up on February 16-19.

There being no further business to come before the City Council, this February 6, 2017, meeting of the City Council adjourned at 9:05 P.M.

John Murphy, Mayor

Alan Terry, City Clerk-Treasurer