



## CITY COUNCIL

April 16, 2018

A regular meeting of the City of Petoskey City Council was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, April 16, 2018. 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: Izzy Lyman, City Councilmember  
Grant Dittmar, City Councilmember  
Jeremy Wills, City Councilmember

Absent: John Murphy, Mayor and Kate Marshall, City Councilmember

Also in attendance were City Manager Robert Straebel, Clerk-Treasurer Alan Terry, Public Safety Director Matthew Breed, Public Works Director Michael Robbins, Parks and Recreation Director Kendall Klingelsmith, Downtown Director Becky Goodman and City Attorney James Murray.

### **Hear MDOT 2019 U.S. 31 Realignment Project Presentation**

The presentation was canceled due to inclement weather and rescheduled for a future meeting in May.

### **Hear Public Safety 2017 Annual Report Presentation**

Public Safety Director Matthew Breed gave a brief presentation concerning the department's 2017 annual statistics. Mr. Breed reviewed the annual report and answered questions.

### **Hear Proclamation Sexual Assault Awareness Month**

Mayor Protem Dittmar reviewed that the Women's Resource Center of Northern Michigan requested to declare April 2018 to be Sexual Assault Awareness Month. Mayor Protem Dittmar reviewed that the proclamation would recognize April as "Sexual Assault Awareness Month in Petoskey" and emphasize the City's commitment to this important issue. Mayor Protem Dittmar then read the following:

WHEREAS, sexual assault affects women, children and men of all racial, cultural and economic backgrounds; and

WHEREAS, in addition to the immediate physical and emotional costs, sexual assault may also have associated consequences of post-traumatic stress disorder, substance abuse, depression, homelessness, eating disorders and suicide; and

WHEREAS, sexual assault can be devastating for not only the survivor, but also for the family and friends of the survivor; and

WHEREAS, no one person, organization, agency or community can eliminate sexual assault on their own, but we can work together to educate our entire population about what can be done to prevent sexual assault, support victims/survivors and their significant others and increase support for agencies providing services to victims/survivors; and

WHEREAS, Sexual Assault Awareness Month provides an excellent opportunity for citizens to learn more about preventing sexual violence before it can start and to show support for the numerous organizations and individuals who provide critical advocacy, services and assistance to sexual assault survivors; and

WHEREAS, the City of Petoskey strongly supports the efforts of national, state, and local partners, and of every citizen, to actively engage in public and private efforts to prevent sexual violence. It's time for all of us to start conversations, take appropriate action and support one another to create a safer environment for all:

NOW, THEREFORE BE IT RESOLVED, that I, John Murphy, Mayor of the City of Petoskey, support efforts to eliminate sexual assault and hereby declare April 2018 to be in our city

## **SEXUAL ASSAULT AWARENESS MONTH**

### **Consent Agenda - Resolution No. 19174**

Following introduction of the consent agenda for this meeting of April 16, 2018, 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 confirms that the draft minutes of the March 19, 2018 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 March 19, for contract and vendor claims at \$1,469,878.56, intergovernmental claims at \$0, and the March 22 and April 5 payrolls at \$381,517.60, for a total of \$1,851,396.16 be and is hereby acknowledged.

Said resolution was adopted by the following vote:

AYES: Lyman, Dittmar, Wills (3)

NAYS: None (0)

### **Public Comment**

Mayor Protem Dittmar asked for public comments and there were no comments.

### **City Manager Updates**

The City Manager reported that the ZBA unanimously approved a Temporary Use Permit through October 31, 2018 for a food truck lot at 425 Michigan Street, reviewed required conditions and that the ZBA heard a presentation by the City Attorney on Fair Housing Accommodation policies; that the Winter Sports Park's hockey rink experienced substantial graffiti, that the City's insurance will cover some of the costs and thanked Kidd and Leavy Real Estate Company for offering a \$500 reward; reviewed construction project updates for West Lake Street, Bridge Street Bridge, Downtown street improvements and Bear River East Lift Station; that DPW crews will be removing snow from the downtown area tonight; that the special goal setting session is scheduled for 5:30 P.M., Monday, April 30 to discuss specific, measurable, attainable and relevant goals; and reported that he would be on vacation April 23-27.

### **Greenwood Cemetery Reappointment – Resolution No. 19175**

Mayor Protem Dittmar reviewed that City Council consider possible reappointment to the Greenwood Cemetery Board.

City Councilmember Lyman 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 James Hempstead, 512 Woodland Avenue, to the Greenwood Cemetery Board for a five-year term ending May 2023.

Said resolution was adopted by the following vote:

AYES: Lyman, Dittmar, Wills (3)

NAYS: None (0)

**Authorize Downtown Greenway Corridor South Segment Contract – Resolution No. 19176**

The City Manager reviewed that the 2018 Annual Budget and Capital Improvements Plan included \$506,400 within the General Street Fund and Electric Fund for construction of the Downtown Greenway Corridor South Segment. In 2016 a grant was written to the Michigan Department of Natural Resources Trust Fund in the amount of \$506,400 of which \$300,000 is provided by the State and \$206,400 is supplied by the City for completion of the project. The project area is from Mitchell/Howard to Emmet/Grove Street along the railway corridor. The City Manager reviewed that City Council gave staff authority to consider removal of the railroad tracks in the area affected by the project; that by eliminating the tracks the City can provide safer street crossings, more efficient street maintenance; a design continuity providing a consistent straight line of sight throughout the corridor; that removal of the tracks incurred additional costs of approximately \$145,000; and reviewed that project costs exceeded budgeted estimates and reviewed adjustments to the budget to fund the unexpected additional costs.

Two bids were received and reviewed by staff and Beckett & Raeder, Petoskey, for completeness. The City Manager reviewed that bids include full rail removal from Howard Street to Emmet Street; and that all steel components from rail removal will be recycled at an estimated value of \$22,000 and will be applied towards the full contract price.

Tim Knutsen, Beckett & Raeder representative, gave a brief presentation on corridor plans and highlighted rail removal areas.

City Councilmembers inquired on scrapped rail and how it is removed.

City Councilmember Wills moved that, seconded by City Councilmember Lyman to authorize to contract with Graham Construction, Inc., Saginaw, Michigan, in the amount of \$722,000, for construction of the Downtown Greenway Corridor South Segment.

Said motion was adopted by the following vote:

AYES: Lyman, Dittmar, Wills (3)

NAYS: None (0)

**Approve MDOT Small Urban Contract – Resolution No. 19177**

The City Manager reviewed that the 2018 Annual Budget and Capital Improvements Plan included \$545,900 within the Major Street Fund for pavement resurfacing and concrete repairs to Emmet Street between Washington Street and Buckley Avenue; Sheridan Street between highway U.S. 131 and Emmet Street; and Bayfront Drive from East Lake Street to the parking area just east of Ed White Field. These local roadways are designated Major Streets under Act 51 by MDOT and are eligible for grant funding for maintenance and reconstruction through the Small Urban Program. The City Manager reviewed planned upgrades and improvements; that under the program, MDOT would provide a maximum of \$375,000 toward eligible construction costs with the City responsible for the remaining which is estimated at \$170,900; and that MDOT administers the contract on behalf of the City.

City Councilmembers commented that Sheridan Street is a major street in town and needs resurfacing.

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

WHEREAS, the City of Petoskey seeks to repave and make improvements to portions of Emmet Street, Sheridan Street and Bayfront Drive; and

WHEREAS, the Michigan Department of Transportation (MDOT), through its Small Urban Program has identified grant funding to pay up to \$375,000 of construction costs; and

WHEREAS, MDOT has requested that the City enter into a contract to allow for contract administration and a local share of these construction costs:

NOW, THEREFORE BE IT RESOLVED that the Mayor and City Clerk are authorized to execute contract number 18-5117, Control Section STUL 24000, Job Number 132354A with MDOT, and take all other necessary steps to complete the Emmet Street, Sheridan Street and Bayfront Drive construction project.

Said resolution was adopted by the following vote:

AYES: Lyman, Dittmar, Wills (3)

NAYS: None (0)

### **Hear Public Participation Plan Updates & Tabled Discussion**

The City Planner reviewed that City Council adopted the Public Participation Plan in January of 2016 as part of the Redevelopment Ready Communities certification process and that the document is required to ensure that public documents and actions adequately incorporate public input. The City Planner briefly reviewed the proposed amendments recommended by the Planning Commission.

Mayor Protem Dittmar reported that Councilmember Marshall, who was absent, would like this discussion to occur at the next meeting. City Councilmembers concurred to defer action until the next regularly scheduled meeting.

### **First Reading of Proposed Ordinance Amending Appendix C to the Sign Ordinance**

The City Planner reviewed that the Sign Committee periodically reviews issues with certain sign regulations and makes recommendations to the Planning Commission for possible amendments. The Planning Commission discussed the proposed amendments, held a public hearing on March 15, 2018 and recommended amendments to City Council for approval. The City Planner further reviewed that the proposed changes would clarify the language for internally illuminated signs; create a new category of special condition signs for businesses in the B-2 Central Business District that do not have access from a public street or sidewalk such as Ernesto's Cigar Lounge and Bar; and allow sandwich boards in the B-2A Transitional Business District and B-2B Mixed Use Corridor.

City Councilmembers inquired on compliance with illumination of signs and if it was difficult to enforce. The City Planner responded that the amendments were mainly to help educate the public.

City Councilmembers deferred action since it was the first reading of the proposed ordinance.

### **First Reading of Proposed Ordinance Amending Chapter 8, Article III pertaining to New Business Registrations**

The Director of Finance reviewed that staff and the City Attorney have reviewed amending various sections of Chapter 8 Businesses and Business Regulations with the first being Chapter 8, Article III, Sections 8-31 through 8-36. The Finance Director reviewed that the existing regulations were established in 1973, amended in 1978 and last updated in 1988; that changing the business registration process is a step to revamp ordinances pertaining to licenses that have not been updated in many decades; that currently only retail merchants are required to register one-time and be licensed with the City; reviewed the proposed amendment which will require all new businesses to register with the City and be placed on the tax rolls; and that this is the first section of Chapter 8 to be updated with potential for more in the coming months.

City Councilmembers inquired if home businesses would be included and the Finance Director responded that home businesses would be included and that the amendment would not affect existing businesses.

City Councilmembers deferred action since it was the first reading of the proposed ordinance.

**Approve FOPLC Contract Covering Part-time Public Safety Employees – Resolution No. 19178**

The City Manager reviewed the proposed collective bargaining agreement covering five FOPLC Public Safety part-time employees. The agreement is a three-year contract beginning on January 1, 2018 with an expiration date of December 31, 2020. The City Manager reviewed highlights of the contract including wages, life and accidental death-dismemberment insurance and uniforms.

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

WHEREAS, certain Department of Public Safety part-time employees are represented by Fraternal Order of Police Council (FOPLC); and

WHEREAS, the City and bargaining unit representatives negotiated provisions of a proposed agreement for part-time Public Safety staff members; and

WHEREAS, the City Manager now has reported that a tentative agreement has been reached with the part-time FOPLC for the period of January 1, 2018 – December 31, 2020:

NOW, THEREFORE, BE IT RESOLVED that the City Manager be and is hereby directed to execute on behalf of the City an employment agreement with part-time Department of Public Safety employees who are represented by the Fraternal Order of Police Council (FOPLC).

Said resolution was adopted by the following vote:

AYES: Lyman, Dittmar, Wills (3)

NAYS: None (0)

**Approve SANE Board Member Appointment – Resolution No. 19179**

The City Manager reviewed that per the Straights Area Narcotics Enforcement (SANE) Team bylaws, the Command Board shall consist of a member of the Petoskey City Council. Currently, the City has no representative on this Board. The City Manager further reviewed that the SANE Board is a multi-jurisdictional task force by and between the Michigan Department of State Police, the Cheboygan County Board of Commissioners, the Emmet County Board of Commissioners and the Otsego County Board of Commissioners; reviewed the mission statement and the need for a City Council appointment to the Board; and that meetings are on a quarterly basis and move locations.

Mayor Protem Dittmar moved that, seconded by City Councilmember Wills to appoint Councilmember Lyman to the SANE Board of Directors as the City representative.

Said motion was adopted by the following vote:

AYES: Lyman, Dittmar, Wills (3)

NAYS: None (0)

**Council Comments**

Mayor Protem Dittmar asked for Council comments and Councilmember Lyman reported that her ride along with a Public Safety Officer went great and mentioned three local men who were recently elevated to Eagle Scouts.

There being no further business to come before the City Council, this April 16, 2018, meeting of the City Council adjourned at 8:30 P.M.

Grant Dittmar, Mayor Protem

Alan Terry, City Clerk-Treasurer