



## CITY COUNCIL

May 21, 2018

A regular meeting of the City of Petoskey City Council was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, May 21, 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: 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, 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**

Jay Gailitis, MDOT representative, reviewed 2019 realignment project, various work to be performed and proposed detours.

Mayor Murphy asked for public comments and there were positive comments that the project is a much needed improvement; that a traffic signal should be installed at Sunset Park; that up to 8 parking spaces may be lost on Lewis Street with hopes to gain some back; and that if there is work performed on Saturday's and evening hours, it should be done away from the Perry Hotel. Mr. Gailitis responded that there is not enough pedestrian traffic for a light at Sunset Park based on federal standards.

### **Consent Agenda - Resolution No. 19188**

Following introduction of the consent agenda for this meeting of May 21, 2018, 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 May 7, 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 May 7, for contract and vendor claims at \$843,579.51, intergovernmental claims at \$7,860.98, and the May 17 payroll at \$199,986.98, for a total of \$1,051,427.47 be and is hereby acknowledged.

Said resolution was adopted by the following vote:

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

### **Public Comment**

Mayor Murphy asked for public comments and there were no comments.

**City Manager Updates**

The City Manager reported that the downtown bathroom project could be pushed back to 2019 if grant documents are delayed and that he has contacted various legislators on behalf of the Mayor asking for assistance in expediting grant documents; that the 2018 Goals and Action Plan is being drafted with anticipation for Council to review and discuss in June; reviewed construction project updates for West Lake Street and that downtown street improvements are nearing completion and that roadways will be open by the end of the week; that Phase II Downtown Greenway Corridor South Segment project is scheduled to begin this week starting downtown; reviewed that there was a minor sewage spill on the Bear River Friday, May 18 and that as of 11:00 A.M., Saturday, May 19, the DEQ lifted the notice advisory and test results were within permitted ranges; that the Public Safety Open House is scheduled for Saturday, June 2 from 11:00 A.M. to 2:00 P.M.; and that the residential rubbish collection program begins tomorrow for two weeks and will occur again in late August, early September.

The Finance Director gave a brief presentation on TIF's.

City Councilmembers inquired on the status of the Public Safety union agreements and if there was any additional information on the 200 East Lake Street development.

**Adopt Ord. 763 – Amending Appendix A – Zoning Ordinance Creating an Accommodation Policy – Resolution No. 19189**

The City Manager reviewed that this was a second reading of a proposed ordinance that would amend Appendix A, Zoning Ordinance, creating an Accommodation Policy under the Federal Fair Housing Amendments Act in the Americans with Disabilities Act.

City Councilmembers inquired on who addresses ZBA request with the ZBA; where the request would be posted; how all possibilities of accommodation would be explored; where the line is drawn and what will happen if precedence is set after one accommodation is approved and more are requested; and that Section 4(a) states that ZBA decides and then gets forwarded to the Court.

The City Attorney responded that he would be at the ZBA meetings when a request has been made and that there is training that ZBA will complete.

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

**AN ORDINANCE TO AMEND APPENDIX A OF THE PETOSKEY CODE OF ORDINANCES, ZONING ORDINANCE ARTICLE XIX**

THE PETOSKEY CITY COUNCIL ORDAINS:

- 1. **Appendix A, Article XIX, Section 1912 of the Petoskey Code of Ordinances is hereby created to read:**

**Sec. 1912. Fair Housing Accommodation Policy**

**1. Purpose.**

It is the policy of the City of Petoskey, pursuant to the Federal Fair Housing Act and the Michigan Elliot Larsen Civil Rights Act (hereafter "fair housing laws") to provide individuals with disabilities reasonable accommodation in rules, practices and procedures to ensure equal access to housing and to facilitate the development of housing for individuals with disabilities. This section is intended to provide a procedure for individuals with disabilities and developers of housing for individuals with disabilities to seek relief from the application of zoning regulations, practices and procedures to further the City's compliance with fair housing laws and provide greater opportunities for the development of critically needed housing for individuals with disabilities.

**2. Definitions.**

For purposes of this section, the following terms shall have the meanings ascribed to them:

*Eligible Person:* A person who is an individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities.

*Individual with a Disability:* Someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment as defined by the fair housing laws. Individuals with a disability include those in recovery from drug or alcohol abuse, but such term does not include current illegal use of a controlled substance (as defined in 21 U.S.C. § 802).

*Person:* An individual, partnership, limited-liability company, corporation or other entity.

*Reasonable Accommodation:* Providing eligible persons with flexibility in the application of zoning regulations, practices and procedures, or even granting variances from certain requirements, when it is necessary to eliminate barriers to equal housing opportunities.

*Request for Reasonable Accommodation:* A request by any individual with a disability, his or her representative, a developer or provider of housing for individuals with disabilities, when the application of a zoning regulation, policy, practice or procedure acts as a barrier to fair housing opportunities.

### **3. Notice of fair housing accommodations policy, assistance available.**

- a) Notice of the availability of reasonable accommodation shall be prominently displayed at City Hall, advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation shall be available to the public in the Office of City Planner.
- b) The notice shall indicate that the Office of City Planner will provide an applicant with assistance in filing a request for reasonable accommodation or an appeal from a decision on such request so that the process is accessible.

### **4. Requests for reasonable accommodation.**

- a) The Zoning Board of Appeals shall have the jurisdiction and power to grant a special exception from the non-use requirements of the Zoning Ordinance where necessary to provide reasonable accommodation to allow individuals with disabilities to have reasonable access to housing in the City of Petoskey.
- b) A special exemption is not necessary for state-licensed adult foster care homes to the extent that state law preempts local zoning and may exist legally without the special exception.
- c) An eligible person may request a reasonable accommodation in zoning regulations, practices and procedures.
- d) Requests for reasonable accommodation shall be made in writing, filed in the Office of the City Planner and provide the following information:
  1. Name and address of the individual(s) requesting reasonable accommodation;
  2. Name and address of the property owner(s) (if different);
  3. Address of the property for which accommodation is requested;
  4. Evidence that the request is for an individual with a disability under fair housing laws;
  5. Description of the requested accommodation and the regulation(s) or procedure for which accommodation is sought;
  6. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling;
  7. Evidence that all alternative accommodations and other options have been considered by the applicant;

- 8. Evidence of whether the property is within 400 feet of another property granted accommodations for use by four (4) or more unrelated persons under this section; and
- 9. The written consent of the property owner.
- e) Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection except as may be required by the Michigan Freedom of Information Act.
- f) A request for reasonable accommodation in regulations, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.
- g) Requests for reasonable accommodation shall be reviewed by the Zoning Board of Appeals using the criteria set forth in Subsection (5).
- h) Notice of the application and hearing shall be given in accordance with Section 2006 of the Petoskey Code of Ordinances.

**5. Standards of review. The written decision by the Zoning Board of Appeals shall be consistent with fair housing laws and shall take into account the following factors:**

- a) Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;
- b) Whether the requested accommodation is necessary to make housing available to an individual with disabilities under the fair housing laws;
- c) Whether the requested accommodation would impose an undue financial or administrative burden on the City;
- d) Whether the requested accommodation would require a fundamental alteration in the nature of the City's zoning plan;
- e) Whether there is an alternative accommodation which may provide an equivalent level of benefit to the applicant;

For reasonable accommodations requested by a recovery residence or other group treatment facility, the Zoning Board of Appeals, consistent with fair housing laws, shall also take into account the following additional factors:

- f) Whether the recovery residence is state licensed as a substance use disorder facility;
- g) Whether the recovery residence is a certified member of an established entity that conducts its own inspections and has its own standards for the benefit of occupants, e.g., CARF International, National Alliance for Recovery Residences (NARR) or any equivalent entity having similar requirements for membership;
- h) Whether the property should be managed by a person living on site;
- i) Whether and how the requested accommodation will benefit the people in the program; and
- j) Whether the property is within 400 feet of another property granted accommodations for use by four (4) or more unrelated persons under this section.

**6. Written decisions, notice to applicant.**

- a) The Zoning Board of Appeals shall issue a decision on a request for reasonable accommodation within 45 days from the date a complete application has been filed with the Office of City Planner and may either grant, grant with modifications or conditions, or deny a request for reasonable accommodation in accordance with the criteria in Subsection 5.

- b) If necessary to reach a determination on the request for reasonable accommodation, the Zoning Board of Appeals may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the forty-five-day period to issue a decision is stayed until the applicant completely responds to the request.
- c) If the Zoning Board of Appeals fails to render a decision on the request for reasonable accommodation within the 45 days from the date a complete application has been filed with the Office of City Planner, the request shall be deemed granted.
- d) The written decision of the Zoning Board of Appeals shall explain in detail the basis of the decision, including its findings on the criteria set forth in Subsection 5. The decision shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth below. A copy of the decision shall be provided to the applicant or sent to the applicant by first class mail.
- e) The written decision of the Zoning Board of Appeals shall be final unless an applicant appeals it to the circuit court.

**7. Effect of zoning pending a determination.** While a request for reasonable accommodation is pending, all zoning regulations, practices and procedures otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

**8. Appeals.** An applicant may appeal a decision by the Zoning Board of Appeals as provided by statute.

**2. Conflicting Standards.**

If any of the standards set forth in this amendment conflict with any other standards of previous or further ordinances or amendments, the stricter standards shall apply.

**3. Repeal; Savings Clause.**

All ordinances, resolutions, or orders, or parts thereof, in conflict with the provisions of this ordinance are, to the extent of such conflict, repealed.

**4. Severability.**

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.

**5. Effect.**

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, Lyman, Dittmar, Wills, Murphy (5)

NAYS: None (0)

**Adopt Ord. 764 – Amending IPMC Creating an Accommodation Policy – Resolution No. 19190**

The City Manager further reviewed that City Council was being asked to conduct a second reading on a proposed ordinance that would amend Chapter 13, Article II, entitled International Property Maintenance Code by adding an Accommodation Policy for persons with disabilities.

City Councilmember Lyman moved that, seconded by City Councilmember Dittmar adoption of the following ordinance:

**AN ORDINANCE TO AMEND CHAPTER 13, ARTICLE II, ENTITLED INTERNATIONAL PROPERTY MAINTENANCE CODE BY ADDING AN ACCOMMODATION POLICY FOR PERSONS WITH DISABILITIES.**

**THE CITY OF PETOSKEY ORDAINS:**

1. Article II of Chapter 13 of the Petoskey Code of Ordinances is hereby amended, in part, to add the following Sections 13-36 and 13-37 as follows:

**Section 13-36 Accommodations for Persons with Disabilities**

(a) Purpose. It is the policy of the City of Petoskey, pursuant to the Federal Fair Housing Act and the Michigan Elliot Larsen Civil Rights Act (hereafter "fair housing laws") to provide individuals with disabilities reasonable accommodation in rules, practices and procedures to ensure equal access to housing and to facilitate the development of housing for individuals with disabilities. This section is intended to provide a procedure for individuals with disabilities and developers of housing for individuals with disabilities to seek relief from the application of the International Property Maintenance Code to further the City's compliance with fair housing laws and provide greater opportunities for the development of critically needed housing for individuals with disabilities.

(b) Definitions. For purposes of this section, the following terms shall have the meanings ascribed to them:

1. **ELIGIBLE PERSON**

A person who is an individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities.

2. **INDIVIDUAL WITH A DISABILITY**

Someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment, but such term does not include current, illegal use of, or addiction to, a controlled substance (as defined in 21 U.S.C. § 802).

3. **PERSON**

An individual, partnership, limited-liability company, corporation or other entity.

4. **REASONABLE ACCOMMODATION**

Providing eligible persons with flexibility in the application of the International Property Maintenance Code, or even granting waivers or variances from certain requirements, when it is necessary to eliminate barriers to equal housing opportunities.

5. **REQUEST FOR REASONABLE ACCOMMODATION**

A request by any individual with a disability, his or her representative, a developer or provider of housing for individuals with disabilities, when the application of a regulation, policy, practice or procedure under the International Property Maintenance Code acts as a barrier to fair housing opportunities.

(c) Notice of fair housing accommodations policy, assistance available.

1. Notice of the availability of reasonable accommodation shall be prominently displayed at City Hall, advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation shall be available to the public in the Office of the City Planner.

2. The notice shall indicate that the Office of the City Planner will provide an applicant with assistance in filing a request for reasonable accommodation or an appeal from a decision on such request so that the process is accessible.

## **Section 13-37 Accommodation Procedure**

(a) Accommodations for persons with disabilities. Upon a written request of an eligible person (as defined, in Section 13-36(b)), the Code Official (as defined in Section 13-23(b)) may grant an administrative variance from requirements imposed under this Chapter if the Code Official determines that all of the following conditions are met:

1. The housing subject to the request for reasonable accommodation will be used by individuals with disabilities protected under fair housing laws;
2. The requested accommodation is reasonable and necessary to make housing available to an individual with disabilities as required under the fair housing laws;
3. The requested accommodation will not impose an undue financial or administrative burden on the City;
4. The requested accommodation will not require a fundamental alteration in the nature of the City's housing program; and
5. There are no alternative accommodations which may provide an equivalent level of benefit to the applicant.

(b) Appeals. Any owner or person who is aggrieved by the ruling or decision of the Code Official in any matter relative to an administrative variance or the interpretation or enforcement of any of the provisions of the International Property Maintenance Code may appeal the decision or interpretation to the Zoning Board of Appeals.

(c) Filing. Such appeal must be filed with the Office of the City Planner, in writing, within 30 days of the date of the issuance of the decision or interpretation. An appeal shall not be received if the City has commenced prosecution proceedings pursuant to Section 13-29 through 13-33.

(d) Decision; Zoning Board of Appeals. The appeal shall be decided by the following procedure:

1. The Zoning Board of Appeals shall hold a public hearing to hear evidence of violations from the Code Official and the appellant. The appellant shall attend in person or may be represented by legal counsel.
  2. The Zoning Board of Appeals shall render its decision not more than 45 days after the conclusion of the hearing. The failure to decide an appeal within 45 days shall be deemed a denial. The decision of the Zoning Board of Appeals shall include findings of fact and conclusions of law based upon the evidence presented by the Code Official and appellant. Witnesses and other documentary evidence shall be permitted in the proceedings before Zoning Board of Appeals.
  3. The Zoning Board of Appeals shall have the authority and jurisdiction to affirm, amend or reverse the decision or interpretation of the Code Official. The Zoning Board of Appeals shall also have the authority and jurisdiction to grant a variance from this article for any requirement if compliance with the requirement imposes undue burden upon the applicant due to unforeseen uses or circumstances or an alternate proposal will satisfy the spirit of the requirements of this chapter. The Zoning Board of Appeals shall not have the authority to grant a variance from any of the requirements of this article unless it determines that the health, welfare, and safety of occupants of the affected property will not be compromised. The Zoning Board of Appeals may not grant a variance from or waive any fees or late charges.
2. In all other respects, the terms and conditions of Chapter 13, Article II shall remain in full force and effect; the terms of which are hereby incorporated by reference.
  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, Lyman, Dittmar, Wills, Murphy (5)

NAYS: None (0)

### **Second Reading of a Proposed Ordinance Regarding Mobile Food Vending Regulations**

The City Manager reviewed that at the May 7 meeting Councilmembers discussed a first reading of a proposed ordinance regulating mobile food vending. The City Manager also reviewed that Councilmembers requested that staff talk to the Resource Center concessionaire regarding mobile food trucks in the parking lot just east of the building; that the concessionaire voiced concerns about food trucks in the adjacent parking lot and would prefer that the City not utilize this area; that staff is not recommending that food trucks be located next to the Resource Center for the remainder of the two-year concession contract (2018 and 2019); reviewed that Council tentatively agreed to allow 6 licensed food trucks on public property; that staff recommended four proposed sites with two trucks at each site including behind the fire station on West Lake Street, east Bayfront Drive, River Road Sports Complex and Magnus Park; and reviewed proposed fees and categories.

City Councilmembers inquired on how many food trucks are operating and available in the area; commented that unused licenses should be revoked so not held up for others that would like to apply; and reviewed fees from other communities that allow food trucks.

Mayor Murphy asked for public comments and heard comments concerning noise caused by food truck generators and what is allowed.

City Councilmembers deferred action and will discuss at a future meeting.

### **Authorize Marina Ice Repair Contract – Resolution No. 19191**

The Parks and Recreation Director reviewed that routinely included within the City's annual budget are monies in the Bayfront Park Marina Restricted Fund Balance as part of the General Fund, which are utilized for improvements, ice damage and emergency repairs to marina facilities. The Director reviewed the proposal to repair docks due to ice damage from this year's severe winter temperatures and heavy ice conditions; that two bids were received; and recommended the low bidder who was the same contractor that performed similar work in 2015.

City Councilmembers inquired if the bubblers should have been left in longer to prevent damage.

City Councilmember Wills moved that, seconded by City Councilmember Marshall to authorize contracting with R.B. Lyons, Inc., Charlevoix, for ice damage repair in the amount of \$53,490.

Said motion was adopted by the following vote:

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

NAYS: None (0)

### **Approve Waterways Grant Agreement for Marina Pier B Electrical Improvements – Resolution No. 19192**

The Parks and Recreation Director reviewed that the City was recently awarded a matching grant in the amount of \$35,350 from the State of Michigan Waterways Commission for removal and replacement of 27 pedestals on Pier B. The total cost of the Pier B pedestal replacement is estimated at \$70,700. The Director reviewed that the project will be in conjunction with the electrical upgrades for Piers A, C and D scheduled to take place after the 2018 season.

City Councilmember Marshall moved that, seconded by City Councilmember Wills to adopt the following resolution:

Upon motion made by Councilmember Kate Marshall, seconded by Councilmember Jeremy Wills the following Resolution was adopted:

“RESOLVED, that the City of Petoskey, Michigan, accepts the terms of the Agreement as received from the Michigan Department of Natural Resources, and that the City agrees, but not by way of limitation, as follows:

1. To appropriate the sum of Thirty-five Thousand Three Hundred Fifty dollars (\$35,350.00) to match the Thirty-five Thousand Three Hundred Fifty dollars (\$35,350.00) State grant authorized by the Department.
2. To maintain satisfactory financial accounts, documents, and records, and to make them available to the Department for auditing at reasonable times.
3. To construct the facilities and provide the funds, services, and materials as may be necessary to satisfy the terms of the Agreement.
4. To ensure that all premises, buildings, and equipment related procedures comply with all applicable State and Federal regulations.
5. To establish and appoint the Parks and Recreation Director to regulate the use of the facilities constructed under this Agreement to assure the use thereof by the public on equal and reasonable terms.
6. To enforce all State statutes and local ordinances pertaining to marine safety and to enforce statutes of the State of Michigan within the confines of the City pertaining to the licensing of watercraft. Watercraft not fully complying with the laws of the State of Michigan relative to licensing shall not be permitted to use the facility until full compliance with those laws has been made.
7. To comply with all terms of the Agreement, including all terms not specifically set forth in the foregoing portions of this Resolution.”

Said resolution was adopted by the following vote:

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

NAYS: None (0)

**Approve City Ward and Convention Schedule and Dates – Resolution No. 19193**

The City Manager reviewed that as required by City Charter provisions, Council was being asked to approve schedule and times and designate locations for conducting annual Ward and City Conventions. In order to comply with the State’s filing deadlines for candidates, the City Manager recommended that the four Ward Conventions be scheduled simultaneously for 8:00 P.M., Monday, July 9, and that the City Convention be called for 8:00 P.M., Wednesday, July 11.

The City Manager recommended that Ward Conventions be conducted at the City Hall Council Chambers (First Ward), Ottawa Elementary Media Center (Second Ward), Lincoln Media Center (Third Ward) and Spittler Administration Building Board Room (Fourth Ward). The City Convention will convene at the North Central Michigan College Library Conference Center.

City Councilmember Dittmar moved that, seconded by City Councilmember Wills to adopt the following resolution:

WHEREAS, in accordance with provisions of the City Charter, the City Council must establish dates and places for annual Ward Conventions and the annual City Convention:

NOW, THEREFORE, BE IT RESOLVED that the City of Petoskey City Council does and hereby calls the annual 2018 Ward Conventions to be held at 8:00 P.M., Monday, July 9, at the City Hall Council Chambers for the First Ward, Ottawa Elementary Media Center for the Second Ward, Lincoln School Media Center for the Third Ward, and Spitler Administration Building Board Room for the Fourth Ward; and

BE IT FURTHER RESOLVED that the City Council does and hereby calls the annual 2018 City Convention to be conducted at 8:00 P.M., Wednesday, July 11, at the North Central Michigan College Library Conference Center.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

**Establish 2018 Tax Millage Rates – Resolution No. 19194**

The Finance Director reviewed the proposed 2018 millage rates and tax revenue. City Council approved the 2018 Annual Budget at their November 20, 2017 meeting which included a provision for property-tax millage rates to remain the same as in 2017. City Council was now being asked to formally establish the millage rates necessary to provide the budgeted property-tax revenue approved in the 2018 Annual Budget for the General Fund, Library Fund and Right-of-Way Fund.

The Finance Director reviewed total millage rates; taxable values and State's inflation rate and that the City will not require millage rates to be rolled back; and reviewed property tax revenues that will be collected from each fund including general operating, solid waste, public safety equipment, library and right-of-way.

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

WHEREAS, as required by City Charter provisions, the City Manager on November 6, 2017 presented to the City Council the City's proposed annual budget for the 2018 fiscal year; and

WHEREAS, as also required by City Charter provisions, the City Council on November 20, 2017, conducted a public hearing to receive comments concerning the proposed budget, including rates of property-tax millages that had been estimated for levies during 2018; and

WHEREAS, following its review of the proposed 2018 Annual Budget, and after conducting a public hearing to receive comments concerning the proposed budget and estimated tax levies, the City Council on November 20, 2017, approved the 2018 Annual Budget:

NOW, THEREFORE, BE IT RESOLVED that the City of Petoskey City Council does and hereby directs that there shall be raised through a general tax upon the taxable real and personal property within the City during the next summer tax levy for the year commencing January 1, 2018, millages in the amount of 7.5660 for general operating purposes, 0.4890 for solid-waste purposes, 0.7459 for Public Safety equipment purchases, 1.7890 for library purposes, and 3.8962 for right-of-way purposes; and, when collected, proceeds from such levy are hereby appropriated to the General Fund, Library Fund, and Right-of-Way Fund; and

BE IT FURTHER RESOLVED that the total aggregated amount of all such authorized millages shall total 14.4861 mills; and

BE IT FURTHER RESOLVED that these various millages so ordered to be levied shall be certified by the City Clerk-Treasurer to the City Assessor and shall be levied and collected upon the taxable value of all taxable property within the City.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

**Approve Waiving Penalty Assessment for Late Filing of Property Transfer Affidavits – Resolution No. 19195**

The Director of Finance reviewed that upon the transfer of real property, the purchaser is required to file a Property Transfer Affidavit with the local Assessor within 45 days of the transfer. MCL 211.27b of the General Property Tax Act (Act) provides for a penalty of \$5.00 per day for failure to file the required form following the 45-day period, up to a maximum penalty of \$200. The Director of Finance reviewed that the City has not levied this penalty, as most often the filing becomes the responsibility of the title company as part of the closing and the purchaser is unaware of the requirement and that the form has not been filed; and that the Act allows for the governing body of the local tax collecting unit to waive the penalty by resolution.

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

WHEREAS, Public Act 206 of 1893, MCL 211.27b requires a penalty to be assessed to a purchaser upon transfer of ownership of property, if the filing of a Property Transfer Affidavit is not filed or not timely filed within forty-five (45) days of any transfer of ownership; and

WHEREAS, under the above referenced Act and Section, a local unit of government may waive that penalty by resolution; and

WHEREAS, the City of Petoskey desires to waive the filing penalty:  
NOW, THEREFORE BE IT RESOLVED that the penalty for failure to file or not timely file a Property Transfer Affidavit upon transfer of ownership, is hereby waived until further notice.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

**Council Comments**

Mayor Murphy asked for Council comments and Councilmember Lyman commended Empiric Solutions, IT contractor, on the great service she received with email issues and informed the public about the Memorial Day parade and activities. Councilmember Marshall inquired if drones are legal on City property. Mayor Murphy encouraged everyone to have a great summer.

There being no further business to come before the City Council, this May 21, 2018, meeting of the City Council adjourned at 9:00 P.M.

John Murphy, Mayor

Alan Terry, City Clerk-Treasurer