



CITY COUNCIL

June 4, 2018

A regular meeting of the City of Petoskey City Council was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, June 4, 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, Parks and Recreation Director Kendall Klingelsmith, Downtown Director Becky Goodman and City Attorney James Murray.

Hear National Gun Violence Awareness Day Proclamation

Mayor Murphy reviewed that Jessica Shaw-Nolff, a City resident, contacted him and the City Manager encouraging the City to consider support for gun violence awareness. Mayor Murphy read aloud the following proclamation:

WHEREAS, every day, 96 Americans are killed by gun violence and on average there are nearly 13,000 gun homicides every year; and

WHEREAS, Americans are 25 times more likely to be killed with guns than people in other developed countries; and

WHEREAS, protecting public safety in the communities they serve is Mayors' highest responsibility; and

WHEREAS, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from dangerous people; and

WHEREAS, Mayors and law enforcement officers know their communities best, are the most familiar with local criminal activity and how to address it, and are best positioned to understand how to keep their citizens safe; and

WHEREAS, in January 2013, Hadiya Pendleton, a teenager who marched in President Obama's second inaugural parade and was tragically shot and killed just weeks later, should be now celebrating her 21st birthday; and

WHEREAS, to help honor Hadiya – and the 96 Americans whose lives are cut short and the countless survivors who are injured by shootings every day – a national coalition of organizations has designated June 1, 2018, the first Friday in June, as the 4th National Gun Violence Awareness Day; and

WHEREAS, the idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange; they chose this color because hunters wear orange to announce themselves to other hunters when out in the woods and orange is a color that symbolizes the value of human life; and

WHEREAS, anyone can join this campaign by pledging to Wear Orange on June 1, the first Friday in June in 2018, to help raise awareness about gun violence; and

WHEREAS, by wearing orange on June 1, 2018 Americans will raise awareness about gun violence and honor the lives of gun violence victims and survivors; and

WHEREAS, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands, and encourage responsible gun ownership to help keep our children safe:

NOW, THEREFORE BE IT RESOLVED, that Mayor John Murphy of the City of Petoskey declares the first Friday in June, June 1, 2018, to be National Gun Violence Awareness Day. I encourage all citizens to support their local communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

Consent Agenda - Resolution No. 19196

Following introduction of the consent agenda for this meeting of June 4, 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 21, 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 21, for contract and vendor claims at \$877,274.44, intergovernmental claims at \$0, and the May 31 payroll at \$206,555.07, for a total of \$1,083,829.51 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 Jessica Shaw-Nolff, 517 East Lake Street, thanked the Mayor for gun violence awareness proclamation.

City Manager Updates

The City Manager reported that the Parks and Recreation Department recently completed improvements in the women's bathroom at Magnus Park and improvements to the men's restroom is scheduled for 2019; that downtown street improvements at Bay and Petoskey Streets is substantially completed; reviewed updates on West Lake Street project and that the street is now two-way and easier for motorists with anticipation the project will be completed by June 30; that rail removal, installation of light bases and new planters have been installed as part of the Phase II Greenway Corridor project near Howard and Michigan Streets; that Bridge Street Bridge project is progressing and that the contractor is bringing in more crew members in hopes of opening the bridge in late June/early July; that City staff, Downtown Director and Emmet County Recycling representatives are working together to re-establish a downtown recycling program with new signage to be in place in the next few weeks; that the FOPLC arbitration hearing date is scheduled for August 15-16 at City Hall; that there is a scheduled ZBA training from the Fair Housing Center of West Michigan for ZBA members on June 7; that the downtown farmer's market on Howard Street begins for the season on June 15 ending September 28; that City water crews continue to flush hydrants throughout the community;

and that there is a C.S. Mott Foundation clean and renewable grant meeting June 11 to discuss potential energy projects that will benefit the region.

City Councilmembers inquired if all of the crosswalks were in place for the downtown project except for in front of Petoskey Plastics; and that more signage should be installed as part of the recycling program to direct public to drop-off sites.

Recess to Closed Session – Resolution No. 19197

City Council was being asked to adopt a resolution that would recess to a closed session pursuant to Section 8(e) of the Michigan Open Meetings Act, to consult with its attorney regarding strategy in connection with specific pending litigation.

City Councilmember Wills 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(e) of the Michigan Open Meetings Act, to consult with its attorney regarding strategy in connection with specific pending litigation, at the City Council's regular meeting of June 4, 2018:

NOW, THEREFORE, BE IT RESOLVED that the City Council does and hereby authorizes to recess to a closed session, to consult with its attorney regarding strategy in connection with specific pending litigation.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Recessed to closed session at 7:23 P.M. and reconvened into open session at 8:05 P.M.

Adopt Ordinance 765 Regulating Mobile Food Vending – Resolution No.19198

The City Manager reviewed that this was a third reading of the proposed ordinance. At their May 21 meeting, Councilmembers discussed and set the number of licenses to be issued for mobile food vending trucks on public property to six (6) utilizing four sites throughout the community – behind the Fire Station, East Bayfront Drive, Magnus Park and River Road Sports Complex; that additional language was added regarding exceptions for use of public property allowing the City Manager to approve mobile food vendors at community events such as Petoskey Rocks, Festival on the Bay, Old Town Emmet Street Food Truck Rally, etc.; that generator noise can be regulated by the City's local noise ordinance; that staff better defined the annual licenses that would expire each year on December 31; that the mobile food vending pilot program still expires December 31, 2019; that language was included for daily licenses associated with community events; and that a reasonable fee schedule should be set to promote mobile food trucks in the community while generally covering the additional City costs.

City Councilmembers discussed where food trucks would be located during community events; inquired if an annual license could be used for a community event with approval; how the City will handle any smoke that may come from food trucks; and concurred to establish the lowest suggested fee for each category and authorize the City Manager to make community event determination.

Mayor Murphy asked for public comments and heard comments opposed to allowing food trucks during community events such as Petoskey Rocks; that fees should be much higher for vendors during community events since they won't be operating on the weekends; inquiries if annual fee supersedes private costs; and that staff should make sure each vendor is licensed and certified with the health department.

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

**AN ORDINANCE TO AMEND CHAPTER 8 OF THE PETOSKEY CODE OF ORDINANCES,
BUSINESSES AND BUSINESS REGULATIONS, CREATING A NEW ARTICLE VIII MOBILE FOOD
VENDING**

THE CITY OF PETOSKEY ORDAINS THE FOLLOWING ARTICLE BE CREATED:

1. Article VIII Mobile Food Vending

An amendment to Chapter 8 Businesses and Business Regulations that will expire after December 31, 2019. During this trial period, there may be up to six (6) licenses issued for designated locations on public property and no limit to the number of licenses that may operate on private property.

Division 1. Generally

Sec. 8-300 Intent.

The intent of this Section is to encourage mobile food vendors that will provide food service options in underserved areas, promote entrepreneurial activity, and increase vibrancy and culture to the City of Petoskey.

Sec. 8-301 Definitions.

- (a) *Mobile food vending* shall mean vending, serving, or offering for sale food and/or beverages from a mobile food vending unit which meets the definition of a food service establishment under Public Act 92 of 2000, which may include the ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in mobile food vending.
- (b) *Mobile food vending unit* shall mean any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.
- (c) *Vendor* shall mean any individual engaged in the business of mobile food vending; if more than one individual is operating a single stand, cart or other means of conveyance, then vendor shall mean all individuals operating such single stand, cart or other means of conveyance.
- (d) *Operate* shall mean all activities associated with the conduct of business, including set up and take down and/or actual hours where the mobile food vending unit is open for business.

Sec. 8-302-8-314 Reserved.

Division 2. License

Sec. 8-315 License required.

No vendor shall engage in mobile food vending without a license from the City Clerk authorizing such vending. The City Clerk shall prescribe the form of such licenses and application for such license. All licenses shall be prominently displayed on the mobile food vending unit. No vending through a mobile food vending unit of food and/or other human consumables shall be licensed unless it meets the definition of mobile food vending as defined by this ordinance.

Sec. 8-316 Duration; non-transferability.

Annual licenses may be issued by the City Clerk expiring at the end of each calendar year. Licenses associated with a community event may be issued on a daily basis. This mobile food vending ordinance shall expire December 31, 2019. Any license issued under this chapter is non-transferable.

Sec. 8-317 Application.

Every vendor desiring to engage in mobile food vending shall make a written application to the City Clerk for a license under this chapter. The applicant shall truthfully state, in full, all information requested by the City Clerk and be accompanied by a fee established by resolution of the City Council. Additionally, the applicant shall provide all documentation, such as insurance, as required by the City.

Sec. 8-318 Fees.

An application for a license under this chapter shall be accompanied by a fee in the amount established by resolution of the City Council. There shall be no proration of fees. Fees are non-refundable once a license has been issued by the City Clerk. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this chapter.

Sec. 8-319 Requirements.

Any vendor engaging in mobile food vending shall comply with the following requirements:

- (1) Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis.
- (2) If operating on city-owned or controlled property, vendor may only locate on such property in locations as established by a resolution adopted by the City Council. Exceptions to this requirement may be approved by the City Manager for community events whereby food vending trucks are present. All mobile food vending trucks operating at a community event, whether on public or private property, will be required to obtain the appropriate license(s) and pay the fee established by resolution of the City Council.
- (3) No vendor may operate on public property within one block of a City-authorized street fair, public festival, farmers market or event being conducted without authorization from the event sponsor.
- (4) No vendor may use flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.
- (5) No vendor shall use loud music, amplification devices or "crying out" or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the City.
- (6) Comply with the City's Nuisance Ordinance, Sign Ordinance and all other City ordinances.
- (7) Comply with all applicable federal, state and county regulations.
- (8) May have one portable sign that is six square feet, with no dimension greater than three feet and no height (with legs) greater than four feet, located within three (3) feet of the unit; and under no circumstances shall such sign be placed upon the sidewalk or impede pedestrian and/or vehicle safety.
- (9) The hours of mobile food vending are between 7:00 A.M. and 11:00 P.M. Other restrictions regarding hours of operation may be established by resolution of the City Council.
- (10) No mobile food vending unit may be left unattended for more than two hours; and any mobile food vending unit not in operation shall be removed between the hours of 11:00 P.M. and 7:00 A.M.
- (11) Mobile food vending units shall not utilize any electricity or power without the prior written authorization of the power customer; no power cable or similar device shall be extended across any City street, alley or sidewalk.

Sec. 8-320 Impoundment.

Any equipment associated with food vending that is not in compliance with this chapter and left on public property may be impounded at the owner's expense.

Sec. 8-321 Other licenses.

A license obtained under this chapter shall not relieve any vendor of the responsibility for obtaining any other license, or authorization required by any other ordinance, statute or administrative rule.

Sec. 8-322 Revocation.

The City Clerk shall revoke the license of any vendor engaged in mobile food vending who ceases to meet any requirement of this chapter or violates any other federal, state or local regulation, makes a false statement on their application, or conducts activity in a manner that is adverse to the protection of the public health, safety and welfare.

Immediately upon such revocation, the City Clerk shall provide written notice to the license holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the license shall become null and void.

Sec. 8-323 Complaints; appeals.

If a written complaint is filed with the City Clerk alleging a food vendor has violated the provisions of this chapter, the City Clerk shall promptly send a copy of the written complaint to the vendor together with a notice that an investigation will be made as to the truth of the complaint. The vendor shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the City Clerk, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified. If a license is denied or revoked by the City Clerk, or if a written complaint is certified pursuant to this Chapter, the applicant or holder of a license may appeal to and have a hearing before the City Manager. The City Manager shall make a written determination, after presentation by the applicant and investigation by the City Clerk, as to whether or not the grounds for denial, revocation or complaint are true. If the City Manager determines that such grounds are supported by a preponderance of the evidence, the action of City Clerk or filing of the complaint shall be sustained and the applicant may appeal the City Manager's decision to a court of competent jurisdiction.

Sec. 8-324 Violation and Penalty.

A violation of this chapter is responsible for a municipal civil infraction and subject to fines as established by City Council.

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)

**A RESOLUTION ESTABLISHING AN ORDINANCE AND REGULATIONS
ASSOCIATED WITH A MOBILE FOOD VENDING PILOT PROGRAM FOR 2018 AND
2019**

WHEREAS, at the direction of City Council, the City Planning Commission was asked to research leading practices and make recommendations on possible regulations pertaining to mobile food vending businesses within the City of Petoskey; and

WHEREAS, the Planning Commission established a sub-committee that met with local representatives of food trucks and brick and mortar businesses and studied several examples of ordinances from communities who have successfully implemented mobile food vending programs in their communities; and

WHEREAS, the sub-committee recommended mobile food truck regulations and possible sites to locate food trucks on public property; and

WHEREAS, the City's Planning Commission felt that business regulations were the appropriate mechanism for regulating food trucks and recommended draft language amending Article VIII of the Code of Ordinances, Chapter 8 Businesses and Business Regulations after hearing no opposition to the draft regulations and proposed sites; and

WHEREAS, the City Council has taken public comments and discussed various aspects of the proposed food vending pilot ordinance including possible public sites and fee schedules associated with a mobile food vending program:

NOW THEREFORE BE IT RESOLVED, that the Petoskey City Council hereby adopts Ordinance 765 and sets the following rules and fee schedules for a pilot food vending program for 2018 and 2019:

MOBILE FOOD VENDING PILOT PROGRAM POLICY

Vendors shall obtain both a business license as well as a mobile food vending license from the City Clerk in accordance with the City Code.

Vendors shall pay the following pertinent fees annually with each mobile food vending license expiring at the end of the calendar year on December 31.

If vending on City property:	\$500.00 annually
If vending on private property:	\$100.00 annually
If associated with a community event and on public property:	\$40.00 daily
If associated with a community event on private property:	\$25.00 daily

Vendors shall be required to comply with all Federal, State and local regulations including Ordinance 765.

The City shall allow up to two (2) mobile food vending trucks in designated areas at each of the following four City-owned locations:

- Behind the Petoskey Fire Station adjacent to Festival Park
- Bayfront Drive in the far eastern parking area near turnaround and public bathrooms
- Magnus Park
- River Road Sports Complex

Use of the aforementioned sites shall be on a "first come first serve basis".

NOW THEREFORE, BE IT RESOLVED, that the City of Petoskey approves Ordinance 765 along with the established fee schedule and designated City-owned sites.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

The City Manager reviewed that over the last year, when there has been steady, heavy rain, areas in City Hall experience water damage. It is currently being addressed, but there is evidence this has been a problem for a long time. The City Manager further reviewed that staff has met with restoration specialists and consulted with local architect Richard Neumann, who has experience with City Hall; that work needs to be done to mitigate the water issue, as it will only worsen; that the primary concerns are the west side of the building and the northwest corner; that by restoring the brickwork and mortar with new, matching construction, the historic integrity will not be compromised but the water issues will be lessened; that no monies in the 2018 budget have been included for this project; that this could be the first step in a more comprehensive renovation plan for City Hall in that all of the windows and the main rooftop HVAC unit are approaching 30 years old and need evaluating; that the City is working towards more efficient maintenance practices; and that staff recommended sending the specifications crafted by Richard Neumann to public bid for City Hall exterior restoration.

Mr. Neumann briefly reviewed the project specifications and commented that masonry repairs will be completed first before window replacement.

City Councilmembers were impressed with the project guidelines.

City Councilmember Marshall moved that, seconded by City Councilmember Wills to authorize staff to solicit bids for the City Hall exterior restoration project.

Said motion was adopted by the following vote:

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

NAYS: None (0)

Approve MDOT State Highway Permit Designations – Resolution No. 19200

The City Manager reviewed that the City regularly performs maintenance and repair work within the Michigan Department of Transportation (MDOT) right-of-way. MDOT requires the City obtain a general right-of-way permit for performing routine and emergency repairs within the State right-of-way. City Council approved the same resolution by MDOT in 2011.

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

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way", or an "Annual Application and Permit for Miscellaneous Operations Within State Highway Right of Way".

RESOLVED WHEREAS, the City of Petoskey hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the GOVERNMENTAL AGENCY is performed by a contractor, the GOVERNMENTAL AGENCY shall require its contractor to hold harmless,

indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the GOVERNMENTAL AGENCY. Failure of the GOVERNMENTAL AGENCY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.

3. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.
4. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
5. The GOVERNMENTAL AGENCY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.
6. With respect to any activities authorized by a PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
7. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
8. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

Title and/or Name:

Michael Robbins – Director of Public Works
Terry Barrette – Public Works Supervisor – Streets
Jeffrey Davis – Public Works Supervisor – Electric
William LaCross – Public Works Supervisor – Construction
Sherrie Elliott – Public Works Supervisor – Water/WWTP

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 Wills inquired if MDOT could review traffic timing on Mitchell Street and US-31 intersection since cars don't trigger lights. Councilmember Lyman inquired on the status of the Grove Street hole and if owners will need to install a fence. Councilmember Marshall inquired on drone regulations in parks and that there was a pot hole at the Bay and Williams Street intersection. Mayor Murphy reported that the Public Safety Open House was highly attended and a success.

Recess to Closed Session – Resolution No. 19201

City Council was being asked to adopt a resolution that would recess to a closed session pursuant to Section 8(h) of the Michigan Open Meetings Act, to consider material exempt from disclosure.

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

WHEREAS, the City Manager has requested that the City Council recess to a closed session, pursuant to Section 8(h) of the Michigan Open Meetings Act, to consider material exempt from disclosure, at the City Council's regular meeting of June 4, 2018:

NOW, THEREFORE, BE IT RESOLVED that the City Council does and hereby authorizes to recess to a closed session, to consider material exempt from disclosure.

Recessed to closed session at 9:00 P.M. and reconvened into open session at 9:45 P.M.

There being no further business to come before the City Council, this June 4, 2018, meeting of the City Council adjourned at 9:50 P.M.

John Murphy, Mayor

Alan Terry, City Clerk-Treasurer