



CITY COUNCIL

March 17, 2014

A regular meeting of the City of Petoskey City Council was held in the City Hall City Council Chambers, Petoskey, Michigan, on Monday, March 17, 2014. 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: William Fraser, Mayor
Kate Marshall, City Councilmember
John Murphy, City Councilmember
Grant Dittmar, City Councilmember

Absent: Jeremy Wills, City Councilmember

Also in attendance were City Manager Dan Ralley and City Clerk-Treasurer Alan Terry.

District Library Presentation District Library Director Karen Sherrard made a presentation concerning the Petoskey District Library and reviewed highlights of 2013. She discussed that it was a good year due to Township tax revenue; that the Library was open Wednesday's and more was spent on reference materials; reviewed strategic planning process recently completed; and reviewed pie charts showing income and expenses.

City Councilmembers inquired on the cost of new wireless and Ms. Sherrard responded that wireless was not necessary and not that expensive.

There was public comment and an inquiry on revenue percentage for penal fines and what circulation meant. Ms. Sherrard responded that circulation referred to the number of items checked out; reviewed penal fines; reviewed what new funds were spent on and limitations; and the possibility of looking into additional governmental partnerships.

Resolution No. 18757
Approve Consent Agenda Items

Following introduction of the consent agenda for this meeting of March 17, 2014, City Councilmember Marshall moved that, seconded by City Councilmember Murphy adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the March 3, 2014 regular-session City Council meeting be and are hereby approved; and

BE IT FURTHER RESOLVED that receipt by the City Council of a report concerning all checks that had been issued since March 3 for contract and vendor claims at \$1,079,544.83, intergovernmental claims at \$2,700,215.94, and the March 13 payroll at \$178,562.46, for a total of \$3,958,323.23 be and is hereby acknowledged.

Hear Public Comment

Mayor Fraser asked for public comment and heard from Judy Hills, 575 Hillcrest Avenue, inquiring when the public budget meeting would be and Mayor Fraser responded that the meeting would be 7:00 P.M., Monday, March 24, 2014.

Hear City Manager Updates

The City Manager reported that there was no new information from MDOT on when the Mitchell Street bridge construction project would begin; that the SAW grant monies would possibly be awarded to the City in 2016; and reviewed the Public Safety annual report and that the number of calls are similar to the prior year.

Resolution No. 18758
Adopt Ord. 741 Amending
Fireworks Ordinance

The City Manager next reviewed that this was a second reading of a proposed ordinance that would amend regulations adopted in 2012 by City Council to prohibit the use of consumer fireworks between the hour of 1:00 A.M. and 8:00 A.M. on the day before and day after federal holidays. The currently proposed ordinance reflects a minor amendment to the Michigan Fireworks Safety Act adopted by the State in 2013 giving local municipalities additional powers to regulate the times that fireworks are used.

The Michigan Fireworks Safety Act, which became effective on January 1, 2012, legalized the use of aerial fireworks, and established a State-wide licensing system for the sale of "consumer fireworks". Following feedback from municipalities that fielded complaints about the noise associated with the use of aerial fireworks, the State amended regulations in order to permit municipalities to further restrict the hours that such fireworks may be used. For municipalities under 50,000 in population, municipalities may regulate the ignition, discharge, or use of consumer fireworks between the hours of 1:00 A.M. and 8:00 A.M.

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

ORDINANCE NO. 741

AN ORDINANCE TO AMEND ORDINANCE 730 AS CODIFIED IN SECTION 10-19 ENTITLED FIREWORKS OF THE CITY OF PETOSKEY CODE OF ORDINANCES

THE CITY OF PETOSKEY ORDAINS:

1. Section 10-19 of the City of Petoskey Code of Ordinances entitled Fireworks, is hereby amended to read in its entirety as follows:

Section 10-19.

- (a) The term "Firework" or "fireworks" means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects, as defined by the Michigan Fireworks Safety Act, Act 256 of 2011.
- (b) The sale, discharge, storage, transportation and distribution of fireworks in the City of Petoskey shall be governed by the Michigan Fireworks Safety Act; Act 256 of 2011.

The use of low impact fireworks, as defined in the Michigan Fireworks Safety Act of 2011, (ground and hand held sparkling devices) will be permitted year-round.

- (c) Use of Consumer fireworks, as defined in the Michigan Fireworks Safety Act, in the city of Petoskey is limited to the day before, the day of, and the day after, a federal holiday, contingent on the following:
 - i. Fireworks shall not be sold to a minor.

- ii. No person under the age of 18 years shall use, possess, explode or cause to explode any fireworks, as defined herein, within the city.
 - iii. No person under the age of 18 years shall buy, purchase, acquire or obtain any fireworks, as defined herein, within the city.
 - iv. A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission.
 - v. For purposes of this ordinance, Federal Holidays are: New Year's Day, Birthday of Martin Luther King Jr., Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving, and Christmas Day.
 - vi. The use of consumer fireworks between the hours of 1:00 A.M. and 8:00 A.M. on permitted days outlined in §10-19(c) is prohibited.
- (d) Upon application in writing to the City of Petoskey by any association or group of individuals for the public display of fireworks, the Director of Public Safety may grant permission for such display, subject to such conditions as the Director of Public Safety or his designee may impose to properly safeguard the public, both as to persons and property; and subject to the provisions of the Michigan Fireworks Safety Act, Act 256 of 2011, section 28.466.
- (e) Persons who violate a provision of this Code or fail to comply with any of the requirements thereof, shall be guilty of a municipal civil infraction and subject to the civil fines set forth in the schedule of civil fines in Ordinance No. 674, being the City of Petoskey's Municipal Civil Infraction Ordinance, as amended, and shall be subject to any other relief that may be imposed by a court for such conduct, which shall also be considered a nuisance per se. Each act of violation and each day upon which such violation occurs shall constitute a separate violation.
2. 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.
 3. 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, Murphy, Dittmar, Fraser (4)
 NAYS: None (0)

Resolution No. 18759 - Approve
 Recreation Passport Grant
 Application for Tennis Courts

The City Manager next reviewed that Council was being asked to consider a resolution authorizing City staff to submit two grant applications for the renovation of the six lighted tennis courts located at the City /School recreational complex, 1500 Hill Street. The total renovation cost is estimated at \$255,000, and the Public Schools of Petoskey as well as the Petoskey Community Courts, a 501(3)(c) organization, will be providing grant match funding. Because of the participation of these other entities, if the grants are successful, no City funds outside of the identified grant sources are expected to be necessary for this project.

The first grant request would be for \$45,000, the maximum permitted for a project of this type, through the Department of Natural Resources Recreational Passport Grant program. The second grant application would be for \$30,000 in funding from the Emmet County Local Revenue Sharing Board.

The lighted six tennis court complex was constructed in 1972 as one of the recreational components within the City/School recreational complex and was jointly developed by the City and School District with funding assistance from the Michigan Bureau of Outdoor Recreation Grant #26-00421. These courts are jointly maintained and operated under a recreational agreement between the City and School District.

The six courts are now 42 years old and the underlying bituminous asphalt paving material has lost its elasticity and cohesive properties resulting in court surface failures. Two independent tennis court repair contractors have evaluated the courts and both concur that the underlying base paving must be removed and replaced. The renovation of this court complex was identified in the 2013-2017 Parks and Recreation Master Plan and in the 2014-2018 Capital Improvements Plan. If funds are secured the renovation project would start in June 2015 and be completed in August 2015.

Work will include removal and replacement of bituminous asphalt base on six courts and a practice court, refresh sub-base and regrade, remove existing fence fabric and tennis court posts, replace needed fence posts, gates and top rail, install new chain link fabric, new tennis post sleeves and posts, upgrade underground electric below courts and paint light poles, install acrylic top coats on courts and restripe six courts for tennis and practice court for pickle ball, relocate drinking fountain and add ADA van accessible parking stall, and modify walks to allow for ADA accessibility.

City Councilmembers inquired when grants would be awarded; when the project would begin; and if the \$112,500 had been raised yet by the Petoskey Community Courts. The City Manager responded that the project would potentially begin in 2015 if donations and fundraising had been met and grants awarded; and that the Petoskey Community Courts continue to meet regarding fundraising efforts.

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

WHEREAS, the City of Petoskey desires to renovate a 42 year old Lighted Tennis Court Complex at the Petoskey High School/Middle School Complex which is operated and maintained jointly by the City of Petoskey and the Public Schools of Petoskey, located at 1500 Hill Street, Petoskey, Michigan; and

WHEREAS, the tennis complex renovation would include replacement of six paved courts, one 1/2 court practice area and fencing, upgrading the underground wiring and refurbishing of the existing light poles, relocating a drinking fountain and site signage and adding handicap van parking stalls; and

WHEREAS, this renovation of the Six Lighted Courts is identified as a priority project listed in the City of Petoskey's 2014-2018 Capital Plan; and

WHEREAS, the State of Michigan's Department of Natural Resources is accepting applications for funding assistance through the "Recreation Passport Grant Program" and renovating an existing recreational facility is eligible for funding; and

WHEREAS, the Emmett County Revenue Sharing Board is accepting applications for funding assistance; and

WHEREAS, the City of Petoskey Parks and Recreation Commission supports the Renovation of the Six Lighted Tennis Courts and the Public Schools of Petoskey have indicated their support and will share in the local match requirement, the Petoskey Parks and Recreation Commission recommends that the Petoskey City Council resolve to sponsor this Michigan Natural Resources – Recreation Passport Grant Application and commit to undertake this project, if awarded and commit to the project match and authorize the City Manager or his designee to serve as the City’s representative for this project; and

WHEREAS, the City Council concurs with the recommendation by the Parks and Recreation Commission for a submittal of an application to the Michigan Recreational Passport Program for the Renovation of Six Lighted Tennis Courts, Petoskey High/Middle School Recreational Complex; and

WHEREAS, the City, in cooperation with the Public Schools of Petoskey and local fundraising efforts will commit to providing the local match of \$210,000 which is 82.4% of the proposed renovation cost for a total project cost of \$255,000:

NOW, THEREFORE, BE IT RESOLVED, that the City of Petoskey City Council hereby confirms its intent to authorize the City Manager or his designee to serve as the City’s representative for this project, authorize the submission of grant applications to the Revenue Sharing Board in the amount of \$30,000, as well as the Michigan Recreational Passport Program in the amount of \$45,000 and request that the Michigan Department of Natural Resources grant review staff consider and recommend that the “Renovation of the Six Lighted Tennis Court Project” be funded for the full grant authorization of \$45,000.

Said ordinance was adopted by the following vote:

AYES: Marshall, Murphy, Dittmar, Fraser (4)

NAYS: None (0)

There being no further business to come before the City Council, this March 17, 2014, meeting of the City Council adjourned at 7:35 P.M.

W.J. Fraser, Mayor

Alan Terry, City Clerk-Treasurer