



## CITY COUNCIL

January 5, 2015

A regular meeting of the City of Petoskey City Council was held in the City Hall City Council Chambers, Petoskey, Michigan, on Monday, January 5, 2015. 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, as part of the City Council's annual organizational meeting, the City Clerk-Treasurer administered oaths of office to Mayor-elect William J. Fraser, and City Councilmembers-elect John Murphy and Jeremy Wills, following their elections to the City Council at the General Election of November 4, 2014. 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  
Jeremy Wills, City Councilmember

Absent: None

Also in attendance were Acting City Manager Alan Terry, Administrative Assistant Sarah Bek, City Planner Amy Tweeten and Attorney Richard Dinon.

Resolution No. 18839  
Approve Consent Agenda Items

Following introduction of the consent agenda for this meeting of January 5, 2015, 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 December 15, 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 December 15 for contract and vendor claims at \$1,757,352.18, intergovernmental claims at \$111,046.16, and the December 18 payroll at \$189,529.86, for a total of \$2,057,928.20 be and is hereby acknowledged; and

Said resolution was adopted by the following vote:

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

Resolution No. 18840  
Elect Mayor Protempore

Mayor Fraser next reported that, as required by City Charter provisions, the City Council was being asked to elect from its members a Mayor Protempore who would serve in the absence or incapacity of the Mayor, and then requested nominations for this position. Mayor Fraser then nominated, supported by City Councilmember Wills, that City Councilmember Murphy be appointed as Mayor Protempore and that the following resolution be adopted:

BE IT RESOLVED that the City Council does and hereby approves the appointment of City Councilmember John Murphy as Mayor Protempore to the City Council.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Resolution No. 18841  
Confirm Appointments

Mayor Fraser then reviewed that City Council consider possible appointments to the District Library Board. City Councilmember Wills moved that, seconded by City Councilmember Dittmar, adoption of the following

resolution:

BE IT RESOLVED that the City Council does and hereby approves the reappointments of Jodi Adams, 819 East Mitchell Street, and Ann Ingles, 1305 Waukazoo Avenue, to the District Library Board, both for four-year terms ending January 2019.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Hear Public Comment

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

Hear City Manager Updates

The Acting City Manager reported that the City had received approximately \$96,000 from the Urgent Needs Grant; that the Winter Sports Park opened and is fully operational; that City Manager interviews are scheduled for January 15-17, 2015 with three candidates remaining after one withdrew; that lights and power lines were coming down on US-31 and Arlington Avenue as part of the underground electric conversation; and the New Arlington Place project is temporarily on hold.

City Councilmembers inquired if the Winter Sports Park had made snow in previous years, if an hour and a half would be long enough for interviews and if there would be a closed session on the City Manager interview agenda. In response to Council's questions, the Acting City Manager reviewed that snow guns have been at the Winter Sports Park for many years; that City Manager interviews are scheduled at one hour and forty five minutes each; and that a closed session is not scheduled prior to the interviews, but could be added if necessary.

Resolution No. 18842 - Schedule  
Joint Meeting – Master Plan Update

The Acting City Manager next reviewed that as required by the Planning Enabling Act (P.A. 33 of 2008, as amended, M.C.L. 125.3801 *et seq.*), the Planning Commission completed its five-year review and update of the 2009 Master Plan. The Commission's update included more recent census data and plan updates for completed projects, along with updated numerical and statistical information (i.e. water production, public safety calls, street and sidewalk miles) or new information relevant to the document. There were no significant changes to the goals and objectives developed as part of the major update that occurred in 2009 and involved significant public involvement.

City Council reviewed and approved redistribution of the updated master plan at the October 6, 2014 meeting. The plan was distributed to various entities, which began a 43 day comment period and no public comment received. The Planning Commission next held a public hearing on the updated plan at its December 18, 2014 meeting when again no public comment was received.

There was discussion by City Council to hold a joint meeting with the Planning Commission to discuss the five year update to the master plan as offered by the Planning Commission. The date of Thursdays, January 8, 2015 at 7:00 P.M., was offered as a possible meeting date.

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

WHEREAS, The City of Petoskey Planning Commission approved the City of Petoskey Master Plan (Blueprint Petoskey) on January 15, 2009 as required by the Michigan Planning Enabling Act P.A. 33 of 2008; and

WHEREAS, The City of Petoskey Planning Commission reviewed and updated the master plan as also required after five years by the Michigan Planning Enabling Act; and

WHEREAS, the City of Petoskey City Council authorized distribution of the updated plan at its October 6, 2014 meeting, which began a 43 day review period, during which no comments were received; and

WHEREAS, following the review period the Planning Commission held a public hearing on the updated plan at its December 18 meeting, where no public input was received; and

WHEREAS, the Petoskey City Council and Planning Commission held a joint meeting to review the plan update on January 8, 2015 at 7:00 P.M. in the Community Room at City Hall:

NOW THEREFORE BE IT RESOLVED: That the City of Petoskey City Council hereby adopts the City of Petoskey 2014 Master Plan Update of the 2009 Master Plan, including all revisions as made by the Planning Commission.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Resolution No. 18843 – Adopt the Villas at Harbor Watch Plan Amendments

The City Planner gave a brief presentation on the request and that the Villas at Harbor Watch received a Final Plan amendment approval to the Little Traverse Commons Planned Unit Development (PUD) in July, 2004. The approved site plan was for a mixed use building of 24 residential units and 4,000 square feet of commercial space referred to as The Villas. The building was completed and site plan inspection was completed in June, 2008. The building has been vacant since its construction.

The property is currently under contract by Harbor Watch Retirement Investors, LLC, whose plan is to turn the building into an independent living facility. They are proposing to change the first floor plan to include four (4) additional residential units on the western end with common area space for the residents that would encompass two thirds of the first floor. The remaining one-third of the first floor would be commercial space available for lease. The site would remain as currently developed, with minor exterior building modifications to accommodate use of the first floor units.

The site was developed as approved with the Villas final PUD rezoning site plan with only minor building exterior modifications being proposed. However, because the request is to increase the number of dwelling units, the request is required to follow the planned unit development major revision process, requiring a public hearing and recommendation by the Planning Commission to City Council on the amendment.

At its December 18, 2014 meeting, the Planning Commission held a public hearing and took action to recommend approval of the amendment request for an increase in residential units from 24 to 28 for use of the building as an independent living facility.

City Councilmembers inquired on the definition of independent living and having residential on the first floor; if new units would be the same as second and third floor units; if garages are assigned to units; if the sheltered drop off and pick up area was part of this amendment; if there were utilities in the garages; if there is adequate parking and handicapped parking; if garage doors face building; and that it is good to see building put to use and occupied.

In response to Council inquiries, the City Planner noted that independent living is based on an age restriction established by the owner and that no assistance is required on site; that first floor residential is allowed as part of a PUD and the building is mainly residential; and that there is adequate parking.

The architect for the Villas was present and reviewed that the units will be similar in size; that garages are not assigned to units, that there are no living quarters in garages, only storage and residents have the option to purchase one or not; that the facility may eventually develop a sheltered drop off and pickup area, but would have to apply for an amendment at a later date since it is not part of this request; that there is electricity in the garages and water is unknown; and that all garages face the building except for the upper ones facing the west.

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

WHEREAS, at the recommendation of the Planning Commission, the City Council adopted an ordinance on February 1, 1999 that amended the City of Petoskey Zoning Map to establish a Planned Unit Development district (PUD) at the approximately 30-acre site that subsequently was developed as the Little Traverse Commons project fronting Sheridan Street between Spring Street and Cemetery Road; and

WHEREAS, upon recommendation of the Planning Commission, City Council approved a Final Plan amendment on July 5, 2004 that combined what had been designated as Areas 6 and 8 of the Little Traverse Commons PUD and changed the use from financial and office to a single mixed-use building and accessory buildings for 24 residential units and first floor commercial use identified as The Villas; and

WHEREAS, The Villas site was constructed in 2008 and has been vacant since completion; and

WHEREAS, The Planning Commission on December 18, 2014 held a public hearing and made a recommendation to approve a request for an amendment to The Villas Final Plan that would increase the number of residential units from the current 24 to 28 for use as an independent living facility; and

NOW THEREFORE BE IT RESOLVED, that following its consideration of the recommendation by the Planning Commission, the Petoskey City Council does hereby authorize an amendment to the Villas Final Plan to allow an increase in residential units from 24 to 28 for an independent living facility:

BE IT FURTHER RESOLVED, that such authorization to amend The Little Traverse Commons Planned Unit Development, and specifically The Villas Final Plan, shall be in accordance with any and all conditions that have been or that will be imposed by the Planning Commission for this parcel.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Hear Council Comments

bringing non-motorized trails to the area, had passed away in Florida, and commented on electric utility issues that are causing electric rates to increase due to changes in federal regulations and that the City needs to be prepared for any changes.

Mayor Fraser asked for Council comments and heard from City Councilmember Wills that former City Councilmember Fred Fettis, who was instrumental in

Resolution No. 18844  
Recess to Closed Session

bargaining agreement.

The Acting City Manager reviewed the proposed resolution that would authorize recess to a closed session under Section 8(c) of the Michigan Open Meetings Act, for discussion connected with the negotiation of a collective

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

WHEREAS, the Acting City Manager has requested that the City Council recess to a closed session pursuant to Section 8(c) of the Open Meetings Act for discussion connected with the negotiation of a collective bargaining agreement, following the conclusion of routine business at the City Council's regular meeting of January 5, 2015:

NOW, THEREFORE, BE IT RESOLVED that the City Council does and hereby authorizes to recess to closed session.

Said resolution was adopted by the following vote:

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

Adjourned to closed session at 7:42 P.M. and reconvened in open session at 8:55 P.M.

There being no further business to come before the City Council, this January 5, 2015, meeting of the City Council adjourned at 9:00 P.M.

W.J. Fraser, Mayor

Alan Terry, City Clerk-Treasurer