



## CITY COUNCIL

March 16, 2015

A regular meeting of the City of Petoskey City Council was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, March 16, 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, 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, Director of Parks and Recreation Allen Hansen, City Planner Amy Tweeten, and Administrative Assistant Lisa Denoyer.

Resolution No. 18858  
Approve Consent Agenda Items

Following introduction of the consent agenda for this meeting of March 16, 2015, City Councilmember Dittmar moved that, seconded by City Councilmember Marshall adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the March 2, 2015 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 2 for contract and vendor claims at \$1,134,540.14, intergovernmental claims at \$69,782.33, and the March 12 payroll at \$206,293.67, for a total of \$1,410,616.14 be and is hereby acknowledged.

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 heard concerns regarding downtown parking and the ticketing process. The Downtown Director commented on the implementation of new software for the parking system after the old system failed.

There was also a comment expressing displeasure with City Council's lack of attendance at the special DMB parking workshop, which several Councilmembers responded to.

Hear City Manager Updates

the Charlevoix Avenue sewer project started with initial sewer main cleaning in preparation for relining.

The Acting City Manager reviewed that the date is yet to be determined for the joint City Council and DMB meeting due to waiting on responses from both parties; and that

Discuss Proposed Locations for Ernest Hemingway Statue

Ernest Hemingway while in Petoskey. The vision is of a life size statue, situated at ground level allowing visitor interaction.

The Acting City Manager reviewed that at their March 2 meeting, City Council received a brief presentation by George Colburn on a proposed statue to be donated to the City by Mr. Robert Dau. The statue would be of young

City Council passed a motion accepting the gift on the basis the Council determines an acceptable location. Council discussed various locations for the statue and requested City staff examine these and other possible sites and return to Council with a list of proposed locations. A list of 8 possible locations was prepared by City staff including Pennsylvania Park, near Park Avenue and Bay Street sidewalk, a bench pose or standing pose on Park Avenue, Howard Street rail crossing located near tree island, Carnegie Library left lawn panel, Arlington Park, Downtown Greenway near stairway by parking area and Bayfront Park near History Museum.

A separate presentation was made to the Parks and Recreation Commission and Downtown Management Board, both of which had meetings scheduled last week. The two bodies reviewed the list of locations and made separate recommendations to City Council totaling three proposed sites. The Parks and Recreation Commission recommended locations along either side of Pennsylvania Park. The Downtown Management Board recommended the same sites along with the site located along Park Avenue.

The process to commission and construct a statue would take over a year to perform and the artist needs to know the particular location, in order to create a statue that will fit the site.

The Acting City Manager gave a brief presentation reviewing the 8 locations, along with their advantages and disadvantages. Council also received a letter from Mr. Dau expressing his concerns with the statue's location.

Mayor Fraser inquired if Council was comfortable narrowing locations down to a smaller number and there were comments that it would be preferred to walk each location and view the proposed sites. Council further discussed aspects of the various sites.

The Director of Parks and Recreation reviewed that the greenway would be plowed into the downtown and that Mr. Dau hired Martha Selfridge to sculpt; and for her to provide drawings of a potential statue at each of the 8 locations would be excessive.

Ms. Selfridge reviewed that Mr. Dau's ideal location for a statue is in Pennsylvania Park, and it would be helpful if Council could narrow down locations to three potential sites.

City Councilmembers concurred to schedule a special meeting and walking tour for 5:30 P.M., Monday, March 23, to review the 8 proposed statue locations and possibly reconvene following the tour to further discuss.

Resolution No. 18859-18862 - Approve Urgent Need Grant Requirements

The funds were provided through the State's Urgent Need Infrastructure Grant program, which was eligible to areas of Upper Peninsula and Northern Lower Peninsula.

The Acting City Manager reviewed that the City received a \$96,255 grant from the Michigan Economic Development Corporation (MEDC) last December as partial reimbursement of expenses incurred during the

The City's grant request covered the repair of 7 water main breaks that occurred between March 23, 2014 and April 18, 2014 totaling \$120,319. The City provided a 20% match of \$24,064, thereby requesting a grant amount of \$96,255.

The MEDC requires adoption of various plans, policies and procedures as part of all grant awards. The City Council approved several of these documents in 2014 and there remains four additional documents that require approval including two resolutions and two policy statements.

1. The Fair Housing Resolution outlines various items that the City has already acted on, which are required within the grant guidelines. The only action item not yet performed is regarding Fair Housing materials made available upon request. MSHDA will provide the City these materials in the near future and the City will then make them available.
2. Excessive Force Resolution acknowledges existing Federal laws that are already being followed. The City's Department of Public Safety established an excessive force policy in place, covering all instances, including non-violent civil rights demonstrations.
3. Residential Anti-displacement and Relocation Policy requires that certain steps be followed and information provided if a grant project involved displacing low and moderate income residents. This could pertain to one of the four low income housing developments currently in the City, which make annual payments in lieu of taxes based on the developments net rental income instead of property's taxable value.
4. Grievance Procedure provides a process for an individual to file a complaint if they feel they have been discriminated against on the basis of disability by the City. This procedure does not apply to City employees, who are covered under separate laws.

These four documents are necessary for the City to retain the Urgent Needs Grant funds received in December 2014 and will be required for any future grants provided through either the Michigan State Housing Development Authority (MSHDA) or MEDC. The City currently has a grant application in for a rental rehabilitation grant to MSHDA and has had discussions on a possible rehabilitation grant through MEDC with another developer.

City Councilmembers inquired on the Residential Anti-displacement and Relocation Policy and if annual payments in lieu of taxes based on rent tied the City in instead of property tax value. The Acting City Manager reviewed that anyone receiving any grant funding that falls under the Housing and Community Development Act is required to comply.

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

WHEREAS, the City of Petoskey (City) is committed to fair housing and will work aggressively to ensure that all housing programs comply fully with all state, federal, and local fair housing laws; and

WHEREAS, the City partners with the Emmet County Housing Council and Northwest Michigan Community Action Agency (NMCAA), who have expertise in the Fair Housing Laws, to promote their housing programs through press releases and resident outreach; and

WHEREAS, the City has applied for Rental Rehabilitation funding through MSHDA and will comply with all Fair Housing requirements if funding is awarded;

WHEREAS, persons wishing to file a housing related complaint or concern will be referred to the Michigan Department of Civil Rights, HUD, and NMCAA; and

WHEREAS, the offices of the City is accessible and barrier free, and the City will make every attempt to reasonably accommodate all of its constituents; and

WHEREAS, the City will post a Fair Housing poster in a place visible to the public. The City will secure and distribute upon request Fair Housing material provided by MSHDA and various other Fair Housing agencies and organizations; and

WHEREAS, the City of Petoskey will consider all applicants and contractors based on qualifications. No applicant or contractor will be denied housing or a contract based on their race, color, national origin, religion, age, sex, marital status, familial status or handicap. Persons raising concerns regarding discrimination will not be retaliated against:

NOW THEREFORE BE IT RESOLVED, that the City of Petoskey hereby adopts this Fair Housing Resolution and all of its premises.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

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

#### **Resolution No. 18860**

WHEREAS, the Congress of the United States has passed the Armstrong/Walker "Excessive Force" Amendment (Section 104 (L)(1) of Title I of the Housing and Community Development Act of 1974 as amended) prohibiting the use of excessive force by a local law enforcement agency against any individual engaged in nonviolent civil rights demonstration within its jurisdiction; and

WHEREAS, the City of Petoskey has received a Michigan Community Development Block Grant and is required to comply with the Armstrong/Walker "Excessive Force" Amendment; and

WHEREAS, the use of excessive force against demonstrators may cause the City to lose its grant or eligibility for future federal grants; and

NOW THEREFORE BE IT RESOLVED, that it is policy of the City that the use of excessive force is prohibited by local law enforcement agencies against individuals engaged in lawful and nonviolent civil rights demonstrations within the City; and

BE IT FURTHER RESOLVED, that the City will adopt and enforce a policy of applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within jurisdictions:

BE IT FURTHER RESOLVED, that City Council directs the Public Safety Director to implement this Resolution by amending applicable public safety department procedures.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

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

**Resolution No. 18861**

WHEREAS, the City of Petoskey has applied for and received a Community Development Block Grant through the Michigan Economic Development Corporation (MEDC); and

WHEREAS, the Michigan Economic Development Corporation oversees the Community Development Block Grant Program and grant requirements; and

WHEREAS, the City of Petoskey as the grant recipient is agreeable to certain polices as included within the grant requirements:

NOW, THEREFORE, BE IT RESOLVED that the City of Petoskey City Council does and hereby adopts the Residential Anti-discrimination and Relocation Plan Policy and the Disability Discrimination Policy as presented.

Said resolution was adopted by the following vote:

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

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

**Resolution No. 18862**

**Grievance Procedure under Section 504 of the Rehabilitation Act of 1973**

This Grievance Procedure is established to meet the requirements of the Section 504. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Petoskey. The City’s Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

City of Petoskey  
Attn: City Clerk/ Section 504 Coordinator  
101 East Lake Street  
Petoskey, MI 49770

Within 15 calendar days after receipt of the complaint, City Clerk or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the City Clerk or his designee will respond in writing, and where appropriate, in format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Petoskey and offer options for substantive resolution of the complaint.

If the response by City Clerk or his designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision of within 15 calendar days after receipt of the response to the City Manager or his designee.

Within 15 calendar days after receipt of the appeal, the City Manager or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting the City Manager or his designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by City Clerk or his designee, appeals to the City Manager or his designee, and responses from these two offices will be retained by the City of Petoskey for at least three years.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Resolution No. 18863 – Approve Sale of Vacant Lot – 209 Washington Street

The Acting City Manager reviewed that in June of 2014, Council discussed surplus of city-owned property that could potentially be sold. The only property for which action was taken was the former rail corridor adjacent to

the Little Traverse Wheelway.

City staff has been working with the Emmet County Land Bank Authority on tax-reverted properties they have acquired to ensure that redevelopment is consistent with the goals of the City. One of these properties is 915 Petoskey Street, for which proposals are being sought for redevelopment into owner-occupied housing that will enhance the Old Town Emmet Neighborhood. There is a city-owned parcel in the Old Town Emmet Neighborhood that could potentially also be redeveloped into owner occupied housing which is 209 Washington Street, an approximately 9,100 square foot lot (56'x163') that has been vacant for many years. The lot is within the RM-2 Multiple Family Zoning District, immediately adjacent to the commercial properties along Emmet Street, and within a block of Washington Park and a half mile of Sheridan School.

The subject of workforce housing has recently been discussed in studies, news articles and editorials, and staff believed that this parcel could potentially serve as a site for new, affordably priced housing. The value of the lot adjacent to the commercial district is likely limited, but its sale and redevelopment could enhance the neighborhood and change its status to a taxable property which would benefit the City in the longer term.

City Council was being asked to discuss the possible sale of this lot for residential development through a negotiated RFP process similar to what is being used for the land bank-owned property.

City Councilmembers discussed Land Bank Authority requirements; a sunset clause if not developed; the time frame for development; on-street parking issues on Emmet and Washington Streets; and single family versus rental property.

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

WHEREAS, the City owns a certain property known as 209 Washington Street; and

WHEREAS, the City has no current or future municipal purpose identified for the property; and

WHEREAS, the property is within a residential zoning district and the Old Town Emmet Neighborhood:

NOW, THEREFORE, BE IT RESOLVED that the City Council does and hereby directs staff to develop a request for proposals for sale of the parcel for residential purposes and to negotiate a land sale agreement to be presented to Council for review and possible approval.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Resolution No. 18864 – Approve Pine Bluff Lift Station Easement-Agreement

The Acting City Manager reviewed that the City as part of the 2015 budget will be replacing the sewer lift station on Charlevoix Avenue that services Pine Bluff Condominiums. The existing lift station located in front of the Emmet County Fairgrounds will be removed and a new lift station will be located within the Association. The work is being done in conjunction with the Charlevoix Avenue reconstruction projecting being performed by MDOT.

The existing lift station is visible in two places; one is the round structure extending above ground with a hatch on top and the second is a transformer bank and electrical panel located a short distance away from the structure. Both of these items will be removed as part of the project cleaning up the right of way and providing a clear path for the new sidewalk that will also be included along the highway as part of the State's project.

The City entered into an agreement with the Pine Bluff Association in 1979 for sewer service and as part of relocating the lift station, both parties have prepared an easement-agreement for the new lift station. The document provides an easement for the City to construct the new lift station and force main lateral leading to the City's sewer main. Upon completion the City will convey ownership of the lift station to the Association.

The City agrees to contract with the Association, upon their request, to provide maintenance for the lift station. The Association agrees to pay the City for all actual maintenance costs. The lift station will be constructed using an E/ONE grinder pump, which are widely used including within the Bay Harbor Development. Therefore, there are area contractors that readily perform work on this type of pump and the City would contact a local contractor to perform any needed maintenance or repairs, which would then be billed to the Association.

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

WHEREAS, the Michigan Department of Transportation is reconstructing a portion of US-31 from its intersection with US-131 to Eppler Road: and

WHEREAS, as a study has been performed on the sewer lift station servicing Pine Bluffs Condominium Association along this portion of the highway and the study determined the lift station is in need of replacement; and

WHEREAS, the City desires to replace the existing lift station by constructing a new lift station across highway US-31 and within the Association's property; and

WHEREAS, the Pine Bluff Condominium Association is in agreement of relocating the lift station onto Association property and assume ownership of the lift station:

NOW, THEREFORE, BE IT RESOLVED that the City of Petoskey, City Council does and hereby approves and authorizes entering into an easement-agreement with the Pine Bluff Condominium Association and hereby authorizes the Mayor and City Clerk to sign the document on behalf of the City of Petoskey.

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 March 2, 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)

Hear Council Comments

Mayor Fraser asked for Council comments and heard from City Councilmember Wills that roofers had begun at the History Museum in Bayfront Park.

There being no further business to come before the City Council, this March 16, 2015, meeting of the City Council adjourned at 8:34 P.M.

W.J. Fraser, Mayor

Alan Terry, City Clerk-Treasurer