



CITY COUNCIL

March 7, 2016

A regular meeting of the City of Petoskey City Council was held in the City Hall Main Floor Lobby, Petoskey, Michigan, on Monday, March 7, 2016. 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 Robert Straebel, Clerk-Treasurer Alan Terry, City Planner Amy Tweeten, Director of Public Works Michael Robbins, Director of Parks and Recreation Allen Hansen and Director of Public Safety John Calabrese.

Department of Public Safety Honor's Board Presentation

The Department of Public Safety Honor's Board had recently authorized awards to Officers and citizens for meritorious service. Department of Public Safety Director John Calabrese presented awards to Public Safety Officers and citizens for their commendable service throughout the community including lifesaving awards to Officer Haalck; department commendation awards to Officer Sugg, Officer Gosciak and Officer Mikulski; certificate of merit awards to Officer Haalck, Officer Donovan, Officer Smith and Officer Kushner; citizen awards to Samantha Cole and Donna Leow; and unit citation awards to Lieutenant Rice, Lieutenant Karr, Lieutenant Weston, Firefighter Hansen, Detective Troxel, Firefighter Slocum, Officer Donovan, Firefighter Boening, Officer Davis, Firefighter Hoekstra, Officer Gosciak, Firefighter Osika, Officer Haalck, Officer Mikulski, Officer Smith and Officer McLaughlin.

Resolution No. 18947 Approve Consent Agenda Items

Following introduction of the consent agenda for this meeting of March 7, 2016, 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 February 15, 2016 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 February 15 for contract and vendor claims at \$2,357,701.02, intergovernmental claims at \$98,449.36, and the February 25 payroll at \$182,634.58, for a total of \$2,638,784.96 be and is hereby acknowledged.

Said resolution was adopted by the following vote:

AYES: Marshall, Murphy, Dittmar, Fraser (4)
NAYS: None (0)

Resolution No. 18948
Confirm Appointment

Mayor Fraser reviewed that City Council consider possible appointment to the Zoning Board of Appeals. 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 approves the appointment of Benjamin Crockett, 1043 Curtis Avenue, to the Zoning Board of Appeals for a three-year term ending April 2019.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Hear Public Comment

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

Hear City Manager Updates

The City Manager reviewed that the Winter Sports Park is closed for the season due to weather conditions; that the Redevelopment Ready Community process is continuing with the top three redevelopment sites still to be determined; that the elevator is anticipated to be working in early April; that the 2018 US-31 MDOT project has been moved to 2019; that DPW Teamsters negotiations are beginning next week; and that he would be on vacation and absent for the May 2, 2016 City Council meeting.

Resolution No. 18949 – Approve
Downtown Greenway Corridor
Master Plan

The City Manager reviewed that after the February 15 City Council meeting, City Council discussed that the quarry parking lot be removed, sever the tracks by Great Lakes Central Railroad just south of Emmet Street, create a smaller parking lot design just south of Grove Street and that a discussion should occur regarding a trolley in the downtown. The City Manager also reviewed recommendations from the Planning Commission, Downtown Management Board and Parks and Recreation Commission and that all Boards recommended City Council approve the plan.

City Councilmembers discussed removing the quarry parking lot; had concerns about parking lot on Grove and Emmet Street and had uncertainty of trolley by rail from that lot; that the WWII monument be relocated near other monuments along the property line in Pennsylvania Park; and inquired if larger diameter trees could be planted as part of the Greenway Corridor project.

Mayor Fraser asked for public comments and heard concerns that the trolley should not be removed without first having a feasibility study; that the Grove Street parking lot is needed for employees; that it is more difficult to remove parklands to construct parking lots and the lot should be reconsidered; and that the trolley is a draw for people and helps renovate older towns to get that nostalgic feeling back.

City Councilmembers further discussed the trolley and concurred to make the following revisions to the plan including redesign and consolidate war memorials moving WWII and Blue Star memorial to east side of sidewalk in Pennsylvania Park; remove proposed parking lot at old quarry site along with parking lot between Grove and Emmet Streets; remove train tracks starting just south of Emmet Street continuing through entire width of Emmet Street and maintain tracks throughout remainder of the plan.

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

WHEREAS, the City of Petoskey Parks and Recreation Commission and Planning Commission met in joint session on February 8, 2016 to review the updated Downtown Greenway Corridor Master Plan from Winter Park Lane to Emmet Street; and

WHEREAS, this plan incorporates requested revisions that were the result of several workshops and public meetings held in the summer and fall of 2015 when the Downtown Greenway Corridor Plan was revisited; and

WHEREAS, at separate meetings, both the Parks and Recreation Commission and the Planning Commission reviewed and endorsed the Downtown Greenway Corridor Master Plan and recommended that City Council review and consider approving the 2016 Downtown Greenway Master Plan; and

WHEREAS, the Downtown Management Board at its special meeting February 10, 2016 also reviewed and recommend approval of the plan:

NOW, THEREFORE BE IT RESOLVED, that the City of Petoskey City Council after review of the Downtown Greenway Corridor Plan endorses the planning document and that it be utilized to guide future development within the corridor.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Discuss Trolley Operations

The City Manager reviewed concerns of Councilmembers regarding the viability of a trolley operating along the Greenway Corridor on the existing tracks. The City Manager reviewed that the DMB, through various discussions on the Greenway Corridor Master Plan, state they would like to explore the feasibility of operating the trolley and looking into hiring a consultant to advise them on compliance, regulatory, financial and operational issues. The DMB would like approximately one year to study trolley issues before making a recommendation to City Council on whether to proceed.

The trolley was purchased by the City in 1999 for \$37,000 with thoughts that the DMB would take over operations. City staff has been researching many trolley issues over the past several months working with both State and Federal authorities. The trolley operation is very unique and transportation officials are unsure as to what agency would oversee operations. The City Manager reviewed potential start-up costs; functional requirements to get the trolley operational; and capital and long-term costs. Annual operation costs are estimated at \$28,000 but could change substantially dependent upon the number of trolley drivers needed.

The City Manager further reviewed that when the railroad right-of-way was purchased, the DMB contributed \$82,850 towards the purchase of the land for a linear parkway with a possible future trolley operation. City staff has also had discussions with Great Lakes Central Railroad, the company who leases state railway from MDOT. Both the City and Great Lakes Central are concerned with the condition of the tracks from Emmet Street north to accommodate large excursion trains that visit the community in the fall. In times past, Great Lakes Central inspected the tracks and given approval for the excursion trains. They will no longer do this as the tracks are in disrepair and they do not want to be held liable if the tracks do not support the weight of a heavy locomotive. For safety reasons, Great Lakes Central will be removing two sticks of rail west of Emmet Street prohibiting locomotives from proceeding north from Emmet Street. A lighter rail service such as the trolley may be able to continue to use the railway, although a full inspection of the tracks would be required.

Development of the Greenway Corridor Master Plan showing a linear trail from Mitchell Street to Emmet Street and a possible trolley operation has been part of the long-range plan since 1999. City staff supported allowing the DMB to investigate various outstanding trolley issues.

City Councilmembers deferred further discussion and any possible action until the DMB decides and if approved, conducts a feasibility study.

Resolution No. 18950 – Authorize
Marina Re-decking & Gas Dock
Construction Contract

The City Manager reviewed that in March 2015, City staff with approval of City Council submitted a grant application to the Michigan Department of Natural Resources Waterways Commission to re-deck portions of Marina Pier B and replace the original gas dock office at an estimated cost of \$278,326. This figure included design and construction engineering and contract management. The City was successful in obtaining the grant and on July 6, 2015 City Council accepted the terms of the Waterways Agreement and directed the City Manager to execute the agreement. Terms of the grant included a State Grant of \$139,163 and City match of \$139,163.

Bids were reviewed for completeness by staff and its engineering and design firm Beckett and Raeder, Inc. RCI – Richter Construction, Inc., Traverse City, was determined to be the low bidder at \$274,445. The City Manager reviewed that in order to bring the project within budget, staff explored cost saving options. Permission was sought from the Waterways Program Manager to discuss with the low bidder a Pre-Award Bulletin, based on unit bid costs and the relocation and downsizing of the gas dock office to decrease the project bid by \$28,069.10 and bring it into alignment with the original engineering estimate.

The City Manager further reviewed that the City’s 2016 Budget contained the grant match; that matching dollars are from the Marina Reserve Fund; and work could begin early in April 2016.

City Councilmember Marshall moved that, seconded by City Councilmember Murphy to authorize to contract with RCI – Richter Construction, Inc., Traverse City, in the amount of \$246,375.90 for the Marina Pier B re-decking and gas dock office construction project.

Said motion was adopted by the following vote:

AYES: Marshall, Murphy, Dittmar, Fraser (4)
NAYS: None (0)

Resolution No. 18951 – Deny
215 East Lake Street Rezoning Request

The City Planner reviewed that a request to rezone 215 East Lake Street from B-2 Central Business District to B-2A Transitional Business District was made by Valentino Trabucchi, potential property purchaser, with the authorization of the property owner. Mr. Trabucchi was seeking the rezoning to allow conversion of the majority of the first floor to residential use, which is not allowed in the B-2 Central Business District.

The City Planner reviewed that the Transitional Business District was created in 2014 to address a portion of the B-2 CBD that had a different character with non-conforming buildings and uses, specifically first floor residential. The subject property was built for commercial purposes (restaurant), is built to the front lot line (East Lake Street) and is located on a block with buildings that have first floor commercial space at the lot line. The intent of the B-2 District is to “protect and enhance the vibrant pedestrian-oriented shopping and service environment of historic downtown Petoskey” and first floor commercial space is a critical element of downtown that enhances pedestrian orientation. The B-2A District allows first floor residential use, which is why this property was not considered for inclusion into the new district. The City Planner further reviewed reasons why the Planning Commission recommended denial of the rezoning request and that Council could vote to deny, but not approve until a second reading.

Mr. Trabucchi gave a brief presentation referencing Blueprint Petoskey; that the Planning Commission has been working on various issues for years; that without nominal parking the current use is difficult to continue; and discussed concerns raised by the Planning Commission for the proposed rezoning request.

City Councilmembers concurred with Planning Commission findings and had concerns with first floor residential units on Lake Street.

City Councilmember Murphy moved that, seconded by City Councilmember Marshall to deny the rezoning request to include 215 East Lake Street in the B-2A Transitional Business District.

Said motion was adopted by the following vote:

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

NAYS: None (0)

The City Manager reviewed that the City Council recently approved a Non-Motorized Facilities Plan that Amending Ch. 18 Concerning Streets, established goals and strategies to enhance the walk-
Sidewalks and Other Public Places ability of Petoskey. One of the strategies is to address ADA compliance issues wherever possible. The plan goal is to have a minimum of 5 foot sidewalks in residential areas and 6 feet in commercial areas.

Chapter 18 provides allowances for use of the public right-of-way by adjacent businesses, which are primarily in the downtown area. As there are other permanent items within the 8-10' of downtown sidewalks (trees, light poles, parking meters), the proposed amendments are to ensure that these allowances do not reduce the required pedestrian zone below five (5) feet (or 48" if approved) and maintain a minimum vertical clearance of 80". The Planning Commission reviewed the proposed amendments to Sec 18-2 and recommended their approval, with the exception that there was a correction to the distance from the building that the vertical clearance must be met, which is twelve (12) inches.

Staff also added language requiring the five (5) foot clearance for outdoor dining furnishings and barriers to make the pedestrian zone requirement consistent for all furnishings placed in the public right-of-way. The Downtown Design Committee is currently updating the Outdoor Dining Design Guidelines as they were drafted in 1997 and needed review due to the increased interest in use of the public right-of-way. The amendments to Sec 18-4 are recommended by staff to change the violation from the current reference to Section 1-6 of the Ordinance to a municipal civil infraction.

City Council discussed the proposed ordinance amendment and will conduct a second reading at the March 21, 2016 meeting.

The City Manager reviewed that Councilmember Murphy asked that a resolution be drafted in opposition to the Line 5 pipeline. Line 5 is a pipeline running under the Straits of Mackinac connecting the Upper and Lower Peninsulas. It is anticipated that if a rupture occurred in this pipeline, contamination could quickly spread in the Great Lakes. The resolution is non-binding and expresses the sentiment of the City Council. Other northern Michigan communities such as Traverse City, Mackinaw City, Emmet County and Charlevoix have passed similar resolutions.

City Councilmembers expressed concerns about possible pollution in Petoskey if the pipeline were to break.

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

WHEREAS, Line 5 is a set of twin, 62 year old pipelines owned by Enbridge that carry light crude oil and natural gas under the Straits of Mackinac; and

WHEREAS, the currents in the Straits of Mackinac at peak volumetric transport can be more than 10 times greater than the flow of Niagara Falls and switch bi-directionally from east to west every few days, and according to a 2014 University of Michigan study are the “worst possible place” for an oil spill in the Great Lakes; and

WHEREAS, the Great Lakes contain 20% of the world’s fresh, available, surface water and are a drinking water source for over 25 million people; and

WHEREAS, one out of every five jobs in Michigan is linked to the high quality and quantity of fresh water in the Great Lakes; and

WHEREAS, tourism is one of Michigan’s largest income industries bringing in billions of dollars each year; and

WHEREAS, agriculture, fisheries, shipping and industry depend on the health of the Great Lakes; and

WHEREAS, in 2009, the Great Lakes were linked to over 1.5 million jobs, with Michigan accounting for 35% of those jobs; and

WHEREAS, Enbridge has a shaky track record that includes 1,244 reportable spills, leaks and releases from 1996 to 2013; and

WHEREAS, Enbridge was in violation for their spacing requirement of its 1953 easement for Line 5 in 2014 and were responsible for a pinhole leak in a section of the pipeline north of the Straits in December 2014; and

WHEREAS, Enbridge was responsible for one of the worst and most expensive oil spills in U.S. history when Line 6b ruptured near Kalamazoo in 2010 allowing almost 1 million gallons of tar sands oil to leak for 17 hours before shutting down the line; and

WHEREAS, corrosion is the number one reason that pipelines fail; and

WHEREAS, Line 5 was built before the Great Lakes Submerged Lands Act was adopted so it didn’t have to obtain a permit and ensure that the pipeline wouldn’t pose a threat to the waters or the public’s use of the waters; and

WHEREAS, Michigan Attorney General Bill Schuette has stated (in regards to Line 5) that the “pipeline wouldn’t be built today” and that “the pipeline’s days are numbered”; and

WHEREAS, the Coast Guard Commandant testified before Congress in 2015 that the Coast Guard would be unable to respond effectively to an open water oil spill in the heart of the Great Lakes; and

WHEREAS, there is no plan for how to recover oil if there was a leak during the winter when the lakes are covered with ice; and

WHEREAS, as Michiganders we have a responsibility to be wise stewards of the waters of our state for generations to come; and

WHEREAS, protection of Michigan’s water supplies and resources is better accomplished by prevention of contamination and environmental degradation, rather than attempting to clean up contamination and restore degraded environments after the fact:

NOW, THEREFORE, BE IT RESOLVED that on the 7th day of March, 2016, the City of Petoskey supports stopping the transportation of oil under the Great Lakes; and

BE IT FURTHER RESOLVED that the City of Petoskey supports shutting down Line 5 and the flow of oil under the Great Lakes; and

BE IT FURTHER RESOLVED that the City of Petoskey supports H.R. 182 and C.R. 15 introduced by State Representative Sarah Roberts and Jeff Irwin calling on Governor Rick Snyder and Attorney General Bill Schuette to shut down Line 5:

BE IT FURTHER RESOLVED, that the City of Petoskey will send a letter to Governor Rick Snyder, Attorney General Bill Schuette, our State Representatives, and State Senators calling on them to take swift action to shut down Line 5.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Hear Council Comments

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

There being no further business to come before the City Council, this March 7, 2016, meeting of the City Council adjourned at 9:10 P.M.

W.J. Fraser, Mayor

Alan Terry, City Clerk-Treasurer