



CITY COUNCIL

June 20, 2016

A regular meeting of the City of Petoskey City Council was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, June 20, 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
Jeremy Wills, City Councilmember

Absent: None

Also in attendance were City Manager Robert Straebel, Clerk-Treasurer Alan Terry

Resolution No. 18971
Approve Consent Agenda Items

Following introduction of the consent agenda for this meeting of June 20, 2016, City Councilmember Dittmar moved that, seconded by City Councilmember Wills adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the June 6, 2016 regular-session and June 15, 2016 special 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 June 6 for contract and vendor claims at \$903,446.45, intergovernmental claims at \$0, and the June 16 payroll at \$205,464.14, for a total of \$1,108,910.59 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 from Scott Smith who introduced himself as running for County Commissioner District 6 which includes Ward 3; and heard from Richard Clark, president of History Museum, who read a letter from Father Dennis Stilwell regarding Solanus Mission Church and the possible elimination of parking on West Lake Street and that it is difficult for visitors and elderly on Sunday when church is open.

The City Manager reviewed the Public Safety Director

Hear City Manager Updates

application process with anticipation of 8-10 semi-finalist; that Department heads would conduct phone interviews to further reduce the applicants; that final interviews will be conducted by two panels including City Council and Department heads; that contractors have applied 3-4 coats of paint on the water tower and is expected to be completed by next week; and that Teamster’s mediation is scheduled for June 28.

City Councilmembers commented that they have also received several negative comments and heard from those opposed to the elimination of parking on West Lake Street near the Solanus Mission Church towards Magnus Park. The City Manager responded that he has discussed concerns with various residents and citizens who are both, in favor and opposed to the changes.

Resolution No. 18972 – Adopt Ord. 755 Amending § 2.1, 5.1 & 7.1 of Sign Ord.

The City Manager reviewed that this was a second reading of the proposed ordinance. One area of the Sign Ordinance that needed improvement was Section 5.1 Temporary Signs, which has been reviewed and recommended for changes by the Sign Committee and Planning Commission. As a result of these amendments, there are also changes necessary to Section 2.1 Definitions. In reviewing an appeal of a sign administration decision, the Planning Commission also recommended a terminology modification for “Directional Sign” to become “Informational Sign.” This would involve amendments to Section 2.1 to add the definition and a change to the term in Section 7.1 from Directional Sign to Informational Sign with no change of regulation. City staff also modified the regulation for political signs to remain consistent with existing language which is that signs must be removed within 15 days after the event.

City Councilmembers commented on political signs and length of time they could be up before and after an election.

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

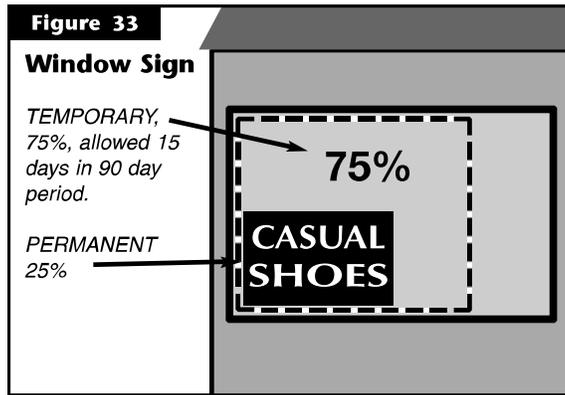
AN ORDINANCE TO AMEND SECTIONS 2.1 DEFINITIONS, 5.1 TEMPORARY SIGNS, AND 7.1 ON-PREMISE SIGNS OF THE CITY OF PETOSKEY SIGN ORDINANCE

The City of Petoskey ordains:

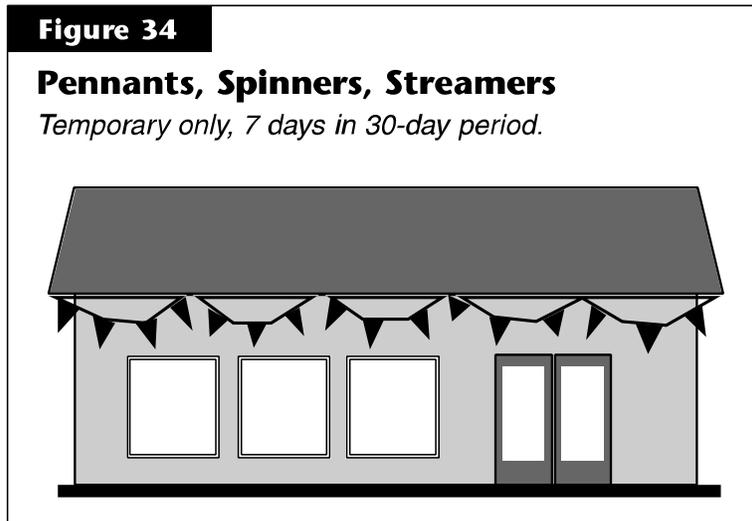
1. The text of Section 2.1 of the Sign Ordinance shall be amended to remove Definitions (18) Construction Sign, and (54) Real Estate Sign;
2. The text of Section 2.1 of the Sign Ordinance shall be amended to add a definition of “Informational Signs: Signs displayed strictly for the direction, safety, or convenience of the public, including signs that identify restrooms, parking-area entrances or exits, visitor parking, restricted parking, clearance, freight entrances or the like.”
3. The text of Section 5.1 Temporary Signs shall be amended to read as follows:

In addition to permanent signs regulated through this ordinance, a property may have up to two (2) temporary signs (either ground or wall mounted) during the following events subject to the stated restrictions and those included in Table 5.1(1).

1. Signs not requiring a permit
 - a. A property is for sale
 - b. A property is under construction
 - c. Temporary window signs that occupy no more than seventy-five percent (75% of a total window’s area are permitted for a maximum of fifteen (15) days in a ninety (90) day period (Figure 33)



- d. Attended, non-commercial signs such as hand-held political placards and demonstration pickets shall be permitted, subject to all applicable local, state, and federal laws.
- e. Political-event signs on private property shall be removed within fifteen (15) days following the political event to which the sign pertains.
- f. Pennants, spinners, streamers, and balloons and similar temporary-display devices, attached only to the principal building on a site, are permitted for not more than seven (7) days in a thirty (30)-day period. Temporary-display device must clear 7'6" if they project into the right-of-way and cannot exceed 6 square feet. (Figure 34)

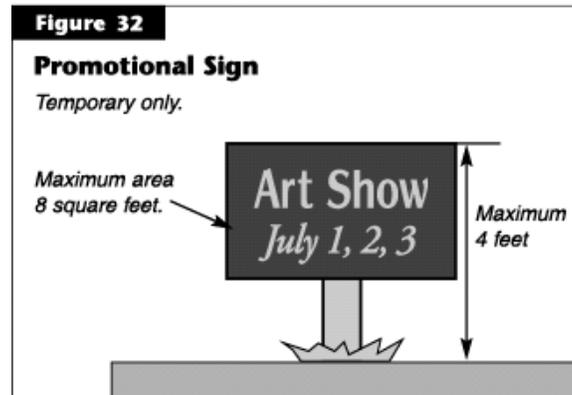


- 2. Signs requiring a permit
 - a. A special event to be held on the property. Said signage shall not be on display for more than 17 days in any 120 day period. Further Zoning District restrictions may supersede this time limit.

Table 5.1(1) Temporary Sign Regulations

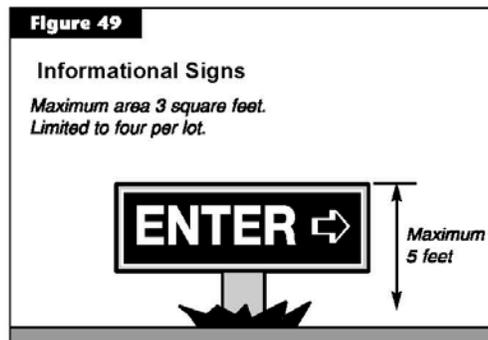
Zoning District	Maximum Height	Maximum Area
R-1, R-2, R-3	Five (5) Feet	Six (6) Square Feet
RM-1, RM-2, B-1, B-2, B-2A, 2B, O-S	Five (5) Feet	32 Square Feet
B-3, B-3A, B-3B, I-1, I-2	Eight (8) Feet	50 Square Feet

- b. Promotional event signs placed in the public right-of-way that provide directions to a community event in the City that is sponsored by a unit of government or a non-profit organization. Said signage shall be permitted for a period not to exceed five (5) days. Such signs for events such as art fairs, circuses, festivals, etc., shall be permitted, not exceeding eight (8)-square feet in area and four (4) feet in height. The number of signs, sign area, and sign location shall be approved by the City prior to installation. Promotional-event signs shall be removed within 48 hours after the event that they identify. (Figure 32)



4. The text of Section 7.1(6) shall be amended to read as follows:

Informational Signs. Informational signs, each not exceeding three (3)-square feet in surface area and not more than four signs per lot, displayed strictly for the direction, safety, or convenience of the public, including signs that identify restrooms, parking-area entrances or exits, visitor parking, restricted parking, clearance, freight entrances or the like. Any additional directional sign, not exceeding three (3) square feet in surface area, may be permitted subject to the approval of the sign committee upon showing sufficient need. The maximum height of entrance and exit signs for driveways and/or parking areas shall be five (5) feet. (Figure 49)



5. Necessary adjustments to the ordinance numbering system that result from these changes shall be made.
6. 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. 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, Wills, Fraser (5)

NAYS: None (0)

Discuss Public Art Plan

The City Manager reviewed that there are various broad policy issues that need to be discussed before city resources and staff time is invested in creating a public art plan/policy. The City Manager reviewed the process and that support for public art needs to be identified first; that it is imperative to have a policy in place and establish a Public Art Commission to develop a Public Art Master Plan for consideration; that the scope of the public art plan needs to be formally defined such as city-wide vs. downtown only; reviewed funding options; and oversight of the program. The City Manager recommended that a public art policy be adopted first that addresses the makeup of a future Public Art Commission and be tasked with creating a Public Art Master Plan for Councils approval.

City Councilmembers commented that they have heard from those in favor and opposed to an art plan; that they haven't found a similar sized community as Petoskey with a public art plan; that a Commission should not be formed yet, but rather a Committee to study feasibility; inquired on who would staff Commission; heard from those not in favor of moving quickly on this process; inquiries on how to handle a donation vs. art plan, which may take many years to establish; that a donation policy may need to be developed first; that this should be a slow process and if plan is to fill spaces; that green space should be conserved; that there should be a lot of public engagement during process since it will be public land and art will be publicly owned; further discussed what to include in plan; and how historic artifacts (i.e. cannons) would be handled.

Mayor Fraser asked for public comments and heard from those in favor of a public art plan and that it could move forward quickly; that a Committee should be setup and make process open to the public; that artists need to be involved but not dominate; that the current plan is too regulated; and that the background work should be done by the Committee and presented to Council for consideration.

City Councilmembers concurred to table this matter until a future meeting.

Discuss Property Transfer to Nancy Gould, 1015 Jarman Street – Lot 7 & 10

The City Manager reviewed that over the past several months he has been in discussion with Nancy Gould, homeowner and property owner of the eastern half of Lot 10, Block 1 Plat of Curtis and Jarmans Addition, 1015 Jarman Street. Ms. Gould and the City wanted to clear up several title issues associated with her land. The City Manager reviewed that while completing engineering and surveying work for the future Bear River Trail, the City determined that there was not clear title to land where the trail would be located; that there was various City utility infrastructure encroachments on the former railroad spur that the City wanted to resolve; that the City eventually purchased the old Jarman Railroad Spur many years ago; that the abandoned railroad property that the City acquired impacts Ms. Gould's property; and to resolve these title issues, the City Manager recommended to sell two tracts of land to Ms. Gould through Covenant Deeds.

The first Covenant Deed would dedicate the western half of Lot 10 (currently city-owned) to Ms. Gould. Her home is located on both the eastern and western portions of Lot 10. The City proposes selling the western portion of Lot 10 to Ms. Gould for less than \$100.

The second Covenant Deed regards Lot 7, directly north of Lot 10. The City Manager reviewed that currently, Ms. Gould's driveway and parking area occupy this land. City staff commissioned an appraisal of the land with the lot valued at \$5,000. The lot is sloping and difficult to develop with the appraiser stating the highest and best use would be for parcel enlargement. The City Manager reviewed that there does not appear to be any future public benefit for the land to remain under the City's ownership and recommended selling Lot 7 to Ms. Gould for the appraised price of \$5,000.

City Councilmembers discussed Covenant Deeds and concurred to table this matter until a future meeting to allow for public comment and clear up confusion over survey maps.

Discuss Approval of a License Agreement for Nancy Gould & Family for Lots 8 & 9 - Curtis Jarman Addition

The City Manager reviewed that the Gould Family along with daughter Jane Bricker have been utilizing parts of city-owned property for access to their home. The City Attorney recommended City Council approve a License Agreement between the Gould's/Bricker and the City since the access drive encroaches on City property. The license agreement is fully revocable by determination of the City Manager but allows the Licensee to continue to use and maintain the driveway access into the future. The City Manager also reviewed that the agreement also gives the City Manager authority to have Licensee remove a shed and fence from Jarman Avenue, however at this point there does not seem to be any need to remove these two encumbrances.

City Councilmembers discussed the license agreement and process and concurred to table this matter until a future meeting to allow for public comment.

Hear Council Comments

Mayor Fraser asked for Council comments and heard from Councilmember Murphy reminding citizens to attend the Ward Conventions on Monday, July 11.

There being no further business to come before the City Council, this June 20, 2016, meeting of the City Council adjourned at 8:35 P.M.

W.J. Fraser, Mayor

Alan Terry, City Clerk-Treasurer