

## CITY COUNCIL

March 16, 2009

A regular meeting of the City of Petoskey City Council was held in the City Hall City Council Chambers at Petoskey, Michigan, on Monday, March 16, 2009. The meeting was called to order at 7:30 P.M.; then, after a recitation of the Pledge of Allegiance to the Flag of the United States of America, a roll call determined that the following were

Present: H. Ted Pall, Jr., M.D., Mayor  
James Dittmar, City Councilmember  
William Fraser, City Councilmember  
Robert Johnson, City Councilmember  
Ronald C. Marshall, Ph.D., City Councilmember

Absent: None

Also in attendance was Acting City Manager Alan Terry, City Attorney James Murray, and Administrative Assistant Dianne DeWitt.

Resolution No. 18283  
Conduct Public Hearing; Defer  
Consideration of Industrial Development  
District; Tax Abatements

As the first item of business, the Acting City Manager reported that the City Council at its March 2, 2009, meeting heard a proposal on behalf of Kilwin's Quality Confections, Inc, Petoskey, for a tax abatement on improvements to real property at a new location at 1050 Bay View Road, along with new personal property purchased for this location; that the City Council had then scheduled a public hearing for March 16, 2009; and that notices of the hearing had been sent to the affected taxing units.

The Acting City Manager also reported that this request was being submitted for a property-tax reduction under the Industrial Property Tax Abatement Act (IFT), Public Act 198 of 1974; that both real and personal property were eligible for tax abatements up to 12 years for new investments only; that Kilwin's was including only the real property of the project in this portion of the request; and that, in discussions with Kilwin's representatives, they wished to revise their original request from \$1,400,000 to \$2,000,000 which would be taxed at the reduced millage rate.

The Acting City Manager also reported that a request for a reduction in Kilwin's personal property tax was being requested under Public Act 328 of 1998, that permitted the City to abate all new personal property taxes purchased for this location; that State law permitted the governmental unit to negotiate and set a time limit for the tax abatement, and Kilwin's request was for seven years, a change from the original request of six years since construction would occur in year one with little or no business operations expected; that Kilwin's estimated new personal property purchases of \$750,000 initially, with additional purchases likely if business expectations were met; that the tax abatement, if granted, would exempt all new eligible personal property purchased for the industrial manufacturing portion of the business from taxes for the period specified in the agreement; and that, the theory was that, if the business thrived, new equipment may be required to keep up with production demand and additional jobs may be necessary to operate the new manufacturing equipment.

The Acting City Manager also reviewed charts illustrating real and personal-property tax savings based on 2008 millage rates and Kilwin's cost estimates; that the length of time either abatement may be granted was determined by the City Council with abatements under Public Act 198 limited to a maximum of 12 years and with no stated maximum under Public Act 328; and that dollar amounts eligible for a tax abatement could be established by the City Council for a Public Act 198 IFT exemption (\$2,000,000 requested), but could not be capped for a Public Act 328 tax abatement.

The Acting City Manager also reported that, following the public hearing, the City Council was being asked to consider three proposed resolutions; and that the first resolution established the Industrial Development District (IDD) with separate resolutions for each of the two tax-abatement requests.

The Acting City Manager also reported that Andrew Hayes and Jan Kellogg, Northern Lakes Economic Alliance, Boyne City, and Stephen Hooley, Vice President, Kilwin's Quality Confections, Inc., Petoskey, were present to answer questions concerning this matter.

Mayor Pall then opened the public hearing to receive comments concerning these requests and the following were heard:

Jaime Jarrett, Woodview Court, asked what the amount of property and personal-property taxes had been for the former Oleson's Plaza (City Councilmember Fraser responded that he believed that the former Oleson's personal-property taxes had been approximately \$7,500 with an additional \$800 from the remaining businesses within the plaza for a total of approximately \$8,300 annually; and that the real property taxes for the plaza site had been approximately \$69,000 annually).

Dean Fleury, 108 Michigan Street, asked if the proposed facility planned to conduct retail sales and, if so, would this compete with other downtown retail businesses.

Mr. Hooley then responded to questions from the City Council and audience members that included the following: reported that the Oleson's site would contain retail sales, training facilities, and the manufacturing of confections; that he believed it would be the business goal to attract residents and tourists to this site for tours of the factory with retail sales being ancillary to those tours; that this facility would replace the current manufacturing and retail sales business located in Bear Creek Township; that retail hours had not yet been decided but that he believed it would be difficult to limit retail hours to week days as was currently done at the Bear Creek Township location; that he could not answer how his business would affect other downtown retail businesses; that he believed that Kilwin's had researched relocating its current manufacturing facility for several years to an alternative location for expansion of facilities; that it had researched an alternative site in Bear Creek Township but had decided to proceed with the Oleson's Plaza site; and that he believed that the retail portion of the business would offer a full product line of Kilwin's confections to patrons and not just the confection being produced that day.

Following no additional comments from members in the audience, Mayor Pall closed the public hearing and asked City Councilmembers to comment concerning these requests.

City Councilmember Marshall reported that he had concerns in approving tax abatements for the Kilwin's business that he believed might place an unfair advantage in competition with nearby retail operations, such as The Bob-In Again restaurant; and that he believed that the City Council should consider provisions that might restrict hours of retail operations at the Kilwin's site for the length of the tax abatement, perhaps such as only during daytime hours as was currently done at the Bear Creek Township Kilwin's location.

City Councilmember Dittmar reported that the owner of The Bob-In Again restaurant had expressed to him a concern of competition with the proposed Kilwin's retail operations; that City Councilmember Dittmar believed that the proposed facility would have positive benefits to the community in that it would occupy a vacant property and provide additional jobs in the community; that he also had concerns about the retail operation at the Kilwin's site competing with existing retail businesses such as The Bob-In Again restaurant; that he believed that the City Council should consider options for resolving this competition concern by discussing these concerns with Kilwin's representatives for solutions; that he believed that he did not have enough information concerning the retail operations of the Kilwin's business to decide this issue at its March 16, 2009, City Council meeting; that he wished to defer this matter until additional information could be provided to the City Council concerning the proposed retail operation.

City Councilmember Fraser reported that he believed that Kilwin's retail operations would be a "window dressing" for the manufacturing operations at the proposed site; asked Meredith Brown, current owner of the downtown Kilwin's operations, how she believed this would affect her retail sales (Ms. Brown responded that she had great concern over the hours of operation; that the existing store on Division Road had hours from 9:00 A.M. to 4:00 P.M., or 9:00 A.M. to 5:00 P.M., Monday through Friday; that the downtown had parking disadvantages; that there were only so many ice-cream dollars out there; and that adding a fourth store in the mix would take away from all of the other stores); that he believed that the former Oleson's operation had retail sales of ice cream and candy items, but that this concern might stem from the competition with a "brand" product; and that he was concerned that retail hours of operations may not be in the purview of the City Council to decide for a business.

City Councilmember Johnson reported that he was not opposed to deferring this matter but that he hoped that the City Council would send a message of support to Kilwin's as a business that had been in the community for over 30 years; that he believed that the Kilwin's business had been a great community supporter; and that he believed that, if the tax abatements were approved, he would encourage Kilwin's representatives to support local franchise operations as well.

Mayor Pall reported that he, too, had concerns about retail operations at this site competing with existing businesses; that he did not oppose the industrial portion of this operation; that he believed that City Council had the ability to set provisions as part of the approval of these tax abatements if it so desired; that he concurred that this matter should be deferred until discussion with Kilwin's representatives concerning its retail operations could take place; asked Mr. Hooley if he believed that the President of Kilwin's operations would be open to such discussions (Mr. Hooley responded that the President was out of the country this week but that he believed that these discussions would be welcomed); and that he believed that Kilwin's representatives had expressed to the Acting City Manager that a deferral of this matter to the April 6, 2009, City Council meeting would not place a burden on the Kilwin's proposed relocation proposal.

Ms. Kellogg reported that she believed that retail limits would be permissible for the life of the agreement between the City and Kilwin's but that she would refer to the State for confirmation of this matter; that she believed that there had been a 42% loss of manufacturing jobs since 2000 in the area; and that as part of the tax incentives Kilwin's would be adding 25 additional jobs, with the potential for 50.

Mr. Hayes reported that he believed that it would be acceptable to require a provision that if Kilwin's did not perform as expected and closed the facility, that the City Council could require a provision of the payback of tax abatements received; that he believed that it was important that the City Council consider the longstanding community support that Kilwin's had offered in the business community; that he believed that Kilwin's could have chosen to relocate to Florida but that the Northern Lakes Economic Alliance had suggested the abatement process to retain this long-standing business in Emmet County; that he believed there was a fine line between offering support to a business and micromanaging its operations; and that he believed that retail operations should be a business decision and not a City Council decision.

City Councilmember Fraser then moved that, seconded by City Councilmember Dittmar, the following resolution be approved:

BE IT RESOLVED that consideration of establishing an Industrial Development District at the former Oleson's Plaza site, 1050 Bay View Avenue, and for certain tax abatements on investments in new real and personal property anticipated by Kilwin's Chocolates Franchise, Inc., Petoskey, at the former Oleson's Plaza site, be deferred until the April 6, 2009, City Council meeting.

Said resolution was adopted by the following vote:

AYES: Dittmar, Fraser, Johnson, Marshall, Pall (5)  
NAYS: None (0)

Resolution No. 18284  
Approve Consent Agenda Items

Following the introduction of the consent agenda for the City Council meeting of March 16, 2009, City Councilmember Dittmar moved that, seconded by City Councilmember

Fraser, adoption of the following resolution that would confirm that the minutes of the regular meeting of March 2, 2009, be approved as submitted, and that would confirm the City Council's acknowledgement of a report by the Acting City Manager concerning all checks that had been issued since March 2, 2009, for contract and vendor claims at \$583,162.03; intergovernmental claims at \$23,435.88, and the March 5 payroll at \$153,803.52:

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the March 2, 2009, regular-session meeting of the City Council, be and are hereby approved as submitted; and

BE IT FURTHER RESOLVED that receipt by the City Council of the report concerning all checks that had been issued since March 2, 2009, totaling \$760,401.43, be and is hereby acknowledged.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

ABSTAIN: Johnson (1)

Hear Petoskey Point Update

The Acting City Manager reported that he had provided correspondence to the City Council which he had received that included a March 5, 2009, letter from Cameron H. Piggott, Dykema Gossett PLLC, Detroit, legal counsel for Lake Street Petoskey Associates, L.L.C., Farmington Hills, concerning the City's Notice of Default to Lake Street Petoskey Associates, and a March 11, 2009, confidential attorney-client privileged letter from James Murray, Plunkett Cooney, Petoskey, the City's legal counsel, concerning the Petoskey Pointe redevelopment project status.

Mayor Pall reported that the City had filed a February 17, 2009, Notice of Default with Lake Street Petoskey Associates and National City Bank, Lansing, and now awaited a 60-day period for a response from National City Bank, before proceeding with this matter.

Resolution No. 18285  
Refer City Code Fencing Provisions  
To Planning Commission For Review

The Acting City Manager next reported that the City Council had considered an amendment to zoning provisions as had been recommended by the Planning Commission in July, 2008, concerning residential fencing and corner clearances, but that this matter had been referred back to the Planning Commission in August for further review; and that the Planning Commission again considered the matter in September and October, prior to recommending a revised amendment to the City Council in December, 2008, which the City Council again turned down.

The Acting City Manager also reported that there appeared to still be interest in having the Planning Commission revisit this matter with direction from the City Council to the Planning Commission for possible changes to the December, 2008, version of the proposed ordinance; and that City Councilmember Fraser had asked that the Planning Commission consider a revision that would prohibit front yard fences, while allowing back and side yard fences up to the front plane of the dwelling.

The Acting City Manager also reported that the City Council had been provided with background materials that had included agenda memos and minutes from the City Council and Planning Commission meetings concerning this matter; and that the City Council was being asked to consider a proposed resolution that would request the Planning Commission to revisit the December, 2008, proposed ordinance and consider provisions proposed by the City Council.

City Councilmember Fraser reported that he had requested that fencing provisions be revisited by the Planning Commission; that he believed that the Planning Commission and the City Council had had much discussion concerning these provisions; and that he believed that minor changes to the fencing provisions could resolve this matter.

Following further discussion, City Councilmember Dittmar moved that, seconded by City Councilmember Fraser, the following resolution be approved:

WHEREAS, the City of Petoskey Planning Commission proposed an ordinance amending City Code zoning provisions concerning fencing and corner clearances in July and December, 2008; and

WHEREAS, the City Council turned down the proposed ordinances in August and December, 2008, respectively; and

WHEREAS, the City Council desires to consider a separate version of an ordinance amending City Code zoning provisions for fencing and corner clearances:

NOW, THEREFORE, BE IT RESOLVED that the City of Petoskey City Council requests that the Planning Commission revisit this proposed ordinance taking into consideration an ordinance that is up-to-date and enforceable; that prohibits front-yard fencing; that provides for side- and rear-yard fencing up to the property line; and provide the rationale to the City Council that Planning Commission used to amend the ordinance.

Said resolution was adopted by the following vote:

AYES: Dittmar, Fraser, Johnson, Marshall, Pall (5)

NAYS: None (0)

Revise City Manager  
Recruitment Brochure

The Acting City Manager then reported that the City Council had been provided with draft text concerning the City Manager recruitment brochure as had been prepared by Tom Dority, The Mercer Group, Group, Inc., Estes, Colorado, along with a compensation survey and email correspondence; that the text portion of the brochure was being presented for the City Council's review and comments with any revised text to be returned to The Mercer Group by Wednesday, March 18; and that photographs would be added to the brochure along with any text revisions so that the brochure could be printed and made available to applicants.

The Acting City Manager also reported that the City Council could discuss and make necessary revisions at this March 16 City Council meeting or could provide revisions to the Acting City Manager following the meeting so that the revised draft could be returned to The Mercer Group by March 18; and that the brochure would be made available to the City Council upon its completion.

The City Council then reviewed the draft brochure page by page and listed its revisions for the Acting City Manager who reported that he would make such revisions to the brochure and send to Mr. Dority.

Resolution No. 18286  
Approve Notice of Intent and  
Contract of Lease

The Acting City Manager then reported that, as the next step in the process of moving forward with the Bear River Valley Recreation Area improvement project and construction of the Public Safety Building-West, the City Council was being asked to review and consider a proposed resolution that would approve an agreement with the City's Building Authority Board of Commissioners and a Notice of Intent to enter into that agreement with the Building Authority.

The Acting City Manager also reported that the City Council had been provided a proposed contract of lease as prepared by Joel Piell, Miller, Canfield, Paddock and Stone, P.L.C., Detroit, the City's special legal counsel for financial matters; that this contract of lease would be between the City Council and its Building Authority Board of Commissioners; and that this agreement would authorize the Building Authority to issue bonds, perform the designated projects and lease them back to the City for the term of the bond issue in the amount of the annual bond payments.

The Acting City Manager also reported that the Building Authority, which had traditionally been used by the City for projects that required bond financing, has a three-member Board consisting of the City Manager, the City Clerk-Treasurer, and the City Assessor; and that the Board would, of course, be absent one member for the time being until the position of City Manager was filled, but that this absence would not impair the Building Authority Board's ability to carry out terms of the lease agreement.

The Acting City Manager also reported that the resolution and lease agreement were merely the first step in this process which, if the City Council approved, would begin a 60-day-waiting period before the agreement would become effective and before the Building Authority would have the ability to proceed with either bond financing or bidding of contracts for the projects; and that project plans and contracts per the lease contract would be agreed upon by both the City Council and its Building Authority Board of Commissioners.

The Acting City Manager also reported that, in light of recent actions taken by the Bay Harbor Tax Relief Legal Fund, the City's bond counsel recommended that the City Council proceed with this portion of the process as it would not commit the City to issuing bonds or performing the proposed projects; that the City would be able to alter or stop work on these projects at any time prior to actually awarding the bond issue, at which time more would be known concerning the Bay Harbor Tax Relief Legal Fund court filing.

The Acting City Manager reported that the City Council now was being asked to consider adoption of a resolution approving the Building Authority Contract and Notice of Intent to enter into the contract.

Following discussion by the City Council, Mayor Pall asked for public comment and the City Council heard Ms. Jarrett report that she believed that important street reconstruction and sidewalk installations had continued to be deferred for projects such as the Bear River Valley and Public-Safety Station-West; that she believed that portions of these projects were "frivolous" in nature and should be pared down because of the downward economy; and that she requested that the City Council consider these matters when deciding funding for these projects.

The Acting City Manager responded to questions from the City Council that included the approval by the City Council of construction contracts for these projects following their bid let by the Building Authority; that contract awards for the Public-Safety Station-West would require a wait-and-see approach because of the current pending lawsuit against the City by Bay Harbor Tax Relief Fund; that plans for the Public-Safety Station-West should be completed by the end of March; reviewed tax increment financing funding procedures; and reported that the proposed contract of lease would expire December 31, 2011, unless bonding had been sought.

City Councilmember Dittmar requested that the City Council be informed when project changes occur.

City Councilmember Marshall moved that, seconded by City Councilmember Johnson, the following resolution be approved:

WHEREAS, there exists in and for the City of Petoskey (the "City"), an imperative need to acquire, construct, furnish, and equip a public safety building and certain recreational facilities together with all necessary appurtenances and attachments relating thereto as hereinafter set forth in the attached Contract of Lease (the "Contract") more particularly set forth; and

WHEREAS, this City Council has determined, and does hereby reaffirm, that it is necessary for the public health, safety and welfare of the City to acquire said facilities for the use of the City; and

WHEREAS, Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended, provides through the procedures of building authority financing a means for the acquisition, construction and financing of such facilities; and

WHEREAS, the City, in accordance with the provisions of said Act 31, as amended, has previously adopted Articles of Incorporation and has established the Building Authority of the City of Petoskey (the "Authority"), with full powers to acquire and construct such facilities; and

WHEREAS, this City Council determines it to be in the best interest of the City to acquire and finance said facilities through the Authority in accordance with the provisions of said Act 31, as amended; and

WHEREAS, a Contract between the City and the Authority providing for the acquisition, construction, and financing of said facilities and such matters as are deemed necessary thereto has been prepared.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines it to be necessary for the public health, safety and welfare of the City to acquire the said facilities as set forth in the Contract attached to this resolution for the use of the City.
2. The City Council deems it to be in the best interest of the City to finance the cost of such facilities through the Authority in accordance with the provisions of the aforesaid Act 31, as amended.

3. The City Council hereby approves the Contract for the acquisition and financing of said facility, as hereto attached.

4. The Notice of Intention of Entering into Contract of Lease as hereto attached shall be published in a newspaper of general circulation in the City, promptly upon adoption of this resolution, said Notice to appear as a display advertisement at least one-quarter (1/4) page in size.

5. The Mayor and City Clerk-Treasurer are authorized to execute immediately and deliver to the Authority the Contract approved by this resolution. The Contract shall become effective upon the expiration of sixty days (60) days following the date of publication of the aforesaid Notice, unless, under the provisions of Section 8(b) of said Act 31, as amended, the effectiveness of the Contract is stayed by reason of the filing of a petition for referendum thereon and the resultant necessity of prior approval thereof by the qualified electors of the City. The City Council does hereby determine that the designated newspaper is the newspaper circulating in the City which reaches the largest number of persons to whom the aforesaid Notice is directed and that publication of the aforesaid Notice in the designated newspaper represents the most practical and feasible means of informing the taxpayers and electors of the City of the aforesaid project and the financing thereof. A copy of the Contract shall be placed on file in the office of the City Clerk and shall be available for public examination.

6. The City Council does hereby ratify and confirm its covenant in the aforesaid Contract to levy ad valorem taxes against all taxable property in the City to the extent necessary to meet the obligations of the City thereunder in the event revenues from other sources are insufficient for any reason whatsoever. Any such taxes levied to pay the Cash Rental under said Contract shall be limited as to rate or amount in the manner provided by law.

7. The City Council covenants that the City shall comply with the requirements of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") regarding disclosure and appoints the City Finance Director as its Disclosure Representative. The City Finance Director be and is hereby directed to give annual disclosure in accordance with the Rule.

8. The City Council hereby designates the bonds to be issued by the Authority in accordance with the Contract as qualified tax exempt obligations for purposes of deduction of interest by financial institutions as defined in Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"). The City hereby covenants to comply with the requirements of the Code that must be satisfied subsequent to the issuance of the bonds in order that interest thereon be or continue to be excludable from gross income for federal income tax purposes.

9. All resolutions and parts of resolutions insofar as the same conflict with the provisions of this resolution be and the same hereby are rescinded.

Said resolution was adopted by the following vote:

AYES: Dittmar, Fraser, Johnson, Marshall, Pall (5)

NAYS: None (0)

Resolution No. 18287  
Compensate Acting City Manager

Mayor Pall next reported that, at its January 5, 2009, City Council meeting, the City Council appointed Director of Finance Alan Terry as Acting City Manager to fill the vacancy created by retired City Manager George Korthauer until a new City Manager was appointed; that Mayor Pall, the City Attorney, and the Acting City Manager had discussed additional compensation for the position due to the increase in additional responsibilities and job duties; that a salary amount of \$500 per week, to be paid retroactively to the date of appointment had been agreed upon; and that the City Council now was being asked to approve this remuneration amount for the Acting City Manager.

City Councilmember Johnson moved that, seconded by City Councilmember Dittmar, the following resolution be approved:

WHEREAS, the City of Petoskey City Council appointed Director of Finance Alan Terry as Acting City Manager on January 5, 2009, to fill the vacancy left by the retiring City Manager until a new City Manager is appointed; and

WHEREAS, the City Council, due to additional job duties and responsibilities, wishes to establish a salary for the position of Acting City Manager during this interim time period:

NOW, THEREFORE, BE IT RESOLVED that the City of Petoskey City Council sets the rate of pay for the Acting City Manager at \$500.00 per week, retroactive to January 5, 2009, the date of appointment.

Said resolution was adopted by the following vote:

AYES: Dittmar, Fraser, Johnson, Marshall, Pall (5)

NAYS: None (0)

Resolution No. 18288  
Appoint District Library  
Planning Committee

Mayor Pall then reported that the next step in the process of establishing a District Library was the preparation of a District Library Agreement that must be approved by the City of Petoskey and the Library Commission; that the Library of Michigan recommended that a District Library Planning Committee be appointed by the legislative body with representatives from the units involved, those being the City and the Library Commission in Petoskey's case.

Mayor Pall also reported that the District Library Agreement must include among its provisions: the make up of the Board; whether members were appointed or elected; how many members; terms of office; the funding source for the District Library; provisions on amending the agreement, if necessary; provisions on how a member may withdraw from the District Library; and how any assets of the District Library would be distributed in case of a withdrawal.

Mayor Pall also reported that the Library Commission was currently reviewing potential outside legal counsel who specialized in the area of district libraries to assist in preparing an agreement as well as establishing the District Library; and that there was no recommended number of members for the District Library Planning Committee, although the District Library Board would be limited to between five and eight members.

Mayor Pall further reported that the City Council was being asked to confirm the appointments of the following seven members to the District Library Planning Committee: James Dittmar, First Ward City Councilmember; Gary Barfknecht, 514 Waukazoo Avenue; Dale Hull, 1180 Winnell Court; Lori Pall, Library Commissioner, 703 East Lake Street; Christine Gebhard, Library Commissioner, 618 East Mitchell Street; Karen Sherrard, Library Director (nonvoting member); and Alan Terry, Acting City Manager (nonvoting member).

City Councilmember Marshall moved that, seconded by City Councilmember Johnson, the following resolution be approved:

WHEREAS, the City of Petoskey has actively pursued establishing a District Library consisting of several units of local government since 1995 without success; and

WHEREAS, the Petoskey Library Commission petitioned the State Librarian to approve the establishment of a District Library consisting of a single taxing unit; and

WHEREAS, the City Council sent a letter of support to the State Librarian asking for the approval of a District Library; and

WHEREAS, State Librarian Nancy Robertson approved the Library and City's request to establish a District Library made up of a single unit:

NOW, THEREFORE, BE IT RESOLVED that the City of Petoskey City Council approves the formation of a District Library Planning Committee whose purpose is to prepare a proposed District Library Agreement to be approved by the Petoskey City Council and the Petoskey Library Commission; and

BE IT FURTHER RESOLVED that the City of Petoskey City Council confirms the Mayor's appointments to the District Library Planning Committee of: James Dittmar, First Ward City Councilmember; Gary Barfknecht, 514 Waukazoo Avenue; Dale Hull, 1180 Winnell Court; Christine Gebhard, Library Commissioner, 618 East Mitchell Street; Lori Pall, Library Commissioner, 603 East Mitchell Street; Karen Sherrard, Library Director; and Alan Terry, Acting City Manager.

Said resolution was adopted by the following vote:

AYES: Dittmar, Fraser, Johnson, Marshall, Pall (5)

NAYS: None (0)

Hear Comments David Clink, Resort Township, presented a litmus strip that he had tested at a City residence and reported that he believed that the ph levels were too high and should be reviewed by the City staff.

Cynthia Linn Robson, 608 Grove Street, reported that she believed that stop signs should be reinstalled in the downtown Mitchell Street boulevard areas (the Acting City Manager responded that City staff was currently reviewing placement of such signage); and clarified parking comments that she had made at the City Council meeting of March 2, 2009, concerning the State Street closure to through traffic at Central Middle School (Mayor Pall responded that he had spoke with the Acting City Manager and Central School Principal concerning this matter).

City Councilmember Marshall reported that he had requested a copy of the traffic analysis at the Central School from the City Planner (the Acting City Manager responded that he would check on this information).

City Councilmember Johnson reported that he wished to compliment the City staff on its snow-removal operations.

City Councilmember Fraser reported that he concurred with City Councilmember Johnson's comments; and requested additional public-safety patrols in the Kalamazoo Avenue-Jennings Street area for speed enforcement during school start and end times.

Mayor Pall reported that he would be discussing with the Acting City Manager the possibility of placing the City Council's meeting agenda material on the City's web site; requested City Council input concerning the City's web site makeup; that the Audubon Society had contacted Mayor Pall to offer their assistance with the Bear River Valley Recreation Area project and had stated their compliments to the City staff on its planning efforts; asked the City Attorney concerning the status of a blight ordinance (the City Attorney responded that the City staff had been working on such an update); and asked the City Attorney for an update concerning recent State laws that affect the Planning Commission's composition (the City Attorney responded that the City staff had drafted an ordinance concerning this matter and that the proposed ordinance had been sent to him for review).

There being no further business to come before the City Council, the meeting was adjourned at 10:30 P.M.

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H. Ted Pall, Jr., M.D., Mayor

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Alan Terry, City Clerk-Treasurer