



CITY COUNCIL

August 17, 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, August 17, 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 Planner Amy Tweeten, and James Murray, Plunkett & Cooney, P.C., Petoskey.

Resolution No. 18334
Approve Consent Agenda Items

Following the introduction of the consent agenda for the City Council meeting of August 17, 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-session meeting of August 3, 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 August 3, 2009, for contract and vendor claims at \$1,330,570.01; intergovernmental claims at \$663,850.20, and the August 6 payroll at \$210,531.89:

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the August 3, 2009, regular 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 August 3, 2009, totaling \$2,204,952.10, be and is hereby acknowledged.

Said resolution was adopted by the following vote:

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

Mayor Pall then reported that, because the Planning Commission had not completed its final review of a proposed ordinance that would recreate the Planning Commission as required by the newly-adopted Michigan Enabling Act of 2008, this agenda item was being withdrawn from the August 17 City Council meeting agenda.

Defer Nuisance Ordinances

The Acting City Manager then reported that the City's nuisance ordinance had been under review for some time due to difficulty with enforcement; that the majority of complaints for nuisance-type matters were for tall grass and weeds, debris, and miscellaneous junk items; that the City's master plan also identified property maintenance as a neighborhood issue and, therefore, a goal of "maintaining and preserving" existing neighborhoods was established within the plan; and that one implementation strategy within the plan had been to update the current nuisance ordinance.

The Acting City Manager also reported that, originally, the update was to include revisions to Chapter 13, Article II, that dealt with dilapidated buildings where the main enforcement issue was with the enforcement provisions; that this would be remedied by adoption of a proposed municipal civil infractions ordinance and, therefore, this remaining portion had been excluded; and that the proposed revisions were to Chapter 13, Article I, Nuisances, and Chapter 23, Vegetation, which covered such matters as vegetation, refuse, noise, odors, carcasses, smoke, and stagnant water.

The Acting City Manager also reported that the proposed ordinance amendments were intended to replace contradictory language contained in Chapters 13 and 23 pertaining to grasses and weeds, and to better clarify requirements of residents and code enforcement officers; that the definition section had been expanded and provided language that was more specific; and that penalties for violations would be changed from a misdemeanor to a municipal civil infraction, but would maintain the option for City abatement of the nuisance.

The Acting City Manager also reported that a copy of both current and proposed ordinances, along with a chart comparing changes to the various sections, had been provided to the City Council for its review; that the City Attorney and City Planner were in attendance to provide additional information and answer questions; and that City Charter provisions required an ordinance to be presented at the first meeting, with City Council action deferred until a second meeting.

The City Planner and City Attorney responded to questions from the City Council that included provisions relating to time limits to secure structures, limitations on placement of trash receptacles, provisions for inoperable vehicles; deletion of the emergency abatement section, enforcement efforts, and regulations such as home maintenance provided for in separate ordinances.

Mayor Pall then asked for public comment and heard B. Jeremy Wills, D.D.S., 204 State Street, report that he believed that enforcement actions are usually complaint driven by neighbors and that he believed corner lots had additional problems with ordinance compliance; and Joseph Baird, 923 State Street, reported that he believed that the City Council should be aware that ordinance provisions could create issues for enforcement.

Mayor Pall then reported that, in accordance with City Charter provisions, further consideration of the proposed ordinance would be tabled until the next meeting of the City Council in September.

Resolution No. 18335
Reschedule City Council Meeting

The Acting City Manager next reported that each year the City Council must cancel and/or reschedule its first regularly scheduled meeting in September to avoid a conflict with the Labor Day holiday, and Mayor Pall reported that he wished to reschedule the September 7, 2009, meeting.

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

WHEREAS, each year the City Council must cancel and/or reschedule its first regular meeting in September to avoid a conflict with the annual Labor Day holiday:

NOW, THEREFORE, BE IT RESOLVED that the City of Petoskey City Council does and hereby reschedules its regular meeting that had been scheduled for Monday, September 7, 2009, to 7:30 P.M., Monday, September 14, 2009, to avoid a conflict with the Labor Day holiday.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Resolution No. 18336
Appoint District Library Board Members

The Acting City Manager then reported that, at its August 3, 2009, meeting, the City Council approved a District Library Agreement that established a District Library, which had been submitted to the Library of Michigan for its approval; that the Agreement stated that a District Library Board would be appointed by the legislative body with representatives from the units involved; that the initial Board members should be appointed on or before a date that was thirty days after the Establishment Date of August 3, 2009; that the Agreement also provided that three of the five Board members first appointed should be appointed to initial terms of four years expiring January 31, 2013; and the other two members appointed to the Board should have initial terms of two years expiring January 31, 2011.

Mayor Pall reported that the City Council was being asked to confirm the initial appointments of the following five members to the District Library Board: James Dittmar, First Ward City Councilmember, and Dale Hull, 1180 Winnell Court, for two-year terms expiring January 31, 2011; and Sue Fantini, Library Commissioner, 109 Division Street; Christine Gebhard, Library Commissioner, 618 East Mitchell Street; and John C. Smith, Library Commissioner, 815 Lindell Avenue, for four-year terms expiring January 31, 2013; and that application forms for these proposed candidates had been provided to the City Council for its review.

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

WHEREAS, the City of Petoskey has requested that the State Librarian approve a District Library Agreement that would establish a District Library consisting of a single taxing unit, that being the City of Petoskey and its Library Commission; and

WHEREAS, as provided in this District Library Agreement, the City Council must appoint a District Library Board made up of membership from the unit involved, that being the City of Petoskey and the Library Commission, within 30 days of the August 3, 2009, establishment date of the District Library:

NOW, THEREFORE, BE IT RESOLVED, that the City of Petoskey City Council does and hereby confirms the Mayor's initial appointments to the District Library Board of the following persons: James Dittmar, First Ward City Councilmember, and Dale Hull, 1180 Winnell Court, for two-year terms expiring January 31, 2011; and Sue

Fantini, Library Commissioner, 109 Division Street; Christine Gebhard, Library Commissioner, 618 East Mitchell Street; and John C. Smith, Library Commissioner, 815 Lindell Avenue, for four-year terms expiring January 31, 2013.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Defer Naming of Michigan Municipal League Annual Meeting Representatives

The Acting City Manager next reported that, at the request of the Michigan Municipal League, City Council was being asked to adopt a proposed resolution that would confirm the City Council's selections of an official voting representative and an alternate representative, one of whom would be seated at the annual business meeting of the Municipal League that would be conducted September 23 in conjunction with the League's 2009 Convention September 22 through 25, at Kalamazoo.

Following discussion by the City Council, this agenda item was deferred to the September 14, 2009, City Council meeting because City Councilmembers were undecided if they would be attending the Michigan Municipal League Convention.

Hear Comments

City Councilmember Marshall asked about the status of speed studies being performed on various City streets by the Department of Public Safety. The Acting City Manager informed the City Council that the studies were continuing and would be presented to the City Council once they had all been completed.

City Councilmember Fraser reported that he wished to commend the Festival-on-the-Bay Committee and the City staff for their efforts during the recent Festival-on-the-Bay program at Bayfront Park and the downtown area.

Mayor Pall reported that no decision had been reached in Circuit Court concerning the City's action against Lake Street Petoskey Associates, L.L.C., Farmington Hills, requesting payment of transferred City-owned land to Lake Street Petoskey Associates, as part of the Petoskey Pointe redevelopment project and Development Agreement with the City of Petoskey that had resulted in default action by Lake Street Petoskey Associates; that the Acting City Manager would continue receiving additional payment for City Manager duties through the month of September, 2009, in assisting the new City Manager; and requested that Sign Committee meetings be posted on the City's website.

There being no further business to come before the City Council, the meeting was adjourned at 9:00 P.M.

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

Alan Terry, Acting City Manager