

CITY COUNCIL

May 13, 2009

A special-session meeting of the City of Petoskey City Council was held in the City Hall City Council Chambers at Petoskey, Michigan, on Wednesday, May 13, 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 were Acting City Manager Alan Terry, City Planner Amy Tweeten, Administrative Assistant Dianne DeWitt, and City Attorney James Murray.

Resolution No. 18304
Recommend Mackinaw Trail Winery
Inc., Liquor License Approval

The Acting City Manager reported that Mackinaw Trail Winery, Inc., Manistique, was requesting that the City Council approve a Wine Tasting Room License to be located off-site at 204 Howard Street that would permit the Winery to offer free wine tastings and permit the sale of wines made only by the Winery for off-premise consumption only.

The Acting City Manager also reported that the Department of Public Safety staff had completed its inspection of the location along with the owner's background check and had approved the inspection portion of the request; that the City Council was now being asked for its approval of this license for the described business; and that a proposed resolution had been provided by the Michigan Liquor Control Commission.

Following discussion by the City Council and comments received from Ralph Stabile, owner of Mackinaw Winery, Inc., City Councilmember Dittmar moved that, seconded by City Councilmember Johnson, the following resolution be approved:

BE IT RESOLVED that the request made by Mackinaw Trail Winery, Inc. for a new Wine Tasting Room License to be located at 204 Howard Street, Petoskey, MI, 49770, Emmet County be considered for approval; and

BE IT FURTHER RESOLVED that it is the consensus of this legislative body that the application be recommended for issuance.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Resolution No. 18305
Recommend Wineguys, L.L.C.
Liquor License Approval

The Acting City Manager reported that the Wineguys, L.L.C., Petoskey, were requesting that the City Council approve an Entertainment Permit to be added to its Class C License with Dance Permit currently held at its 432 East Lake Street location (City Park Grill); that the Entertainment Permit would permit the owner to provide entertainment other than its current ability for live bands and dancing; that activities such as karaoke contests, best Halloween costume contests, etc., or an entertainer such as a comedian, currently required a special permit for each event; and that this Entertainment Permit would eliminate the need to apply for a special permit for each event.

The Acting City Manager also reported that the Department of Public Safety staff had completed its inspection of the premises and background check of the owner and had approved the application; that the City Council was now being asked for its approval of this Entertainment Permit request for the business type and location at 432 East Lake Street; and that a proposed resolution had been provided by the Michigan Liquor Control Commission.

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

BE IT RESOLVED that the request made by Wineguys, L.L.C., Petoskey, for a new Entertainment Permit to be held in conjunction with 2008 Class C Licensed business with Dance Permit, located at 423 East Lake Street, Petoskey, MI, 49770, Emmet County, be considered for approval; and

BE IT FURTHER RESOLVED that it is the consensus of this legislative body that the application be recommended for issuance.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Resolution No. 18306
Recommend CAVA, Inc.
Liquor License Transfer

The Acting City Manager reported that CAVA, Inc. was requesting that the City Council approve a transfer of ownership for a 2008 Resort Class C License, non-transferable, with a Dance-Entertainment Permit, located at 795 Front Street, Bay Harbor, from Latitude, Inc.; that this license could not be transferred from the current location and would permit the sale of beer, wine, and liquor; and that the "Resort" designation was for businesses that would directly benefit from tourism or visitors.

The Acting City Manager also reported that the Department of Public Safety staff had completed its inspection of the location along with the owner's background check and had approved the inspection portion of the request; that the City Council was now being asked for its approval of this license for the described business at the location; and that a proposed resolution had been provided by the Michigan Liquor Control Commission.

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

BE IT RESOLVED that the request to transfer ownership of 2008 Resort Class C, issued under MCL 436.1531(4); non-transferable, with Dance-Entertainment Permit located at 795 Front Street, Petoskey, MI, 49770, Emmet County, from Latitude, Inc. to CAVA, Inc. be considered for approval; and

BE IT FURTHER RESOLVED that it is the consensus of this legislative body that the application be recommended for issuance.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Resolution No. 18307
Defer Fencing, Corner Clearance
Amending Ordinance; Schedule Hearing

The Acting City Manager reported that the City Council at its May 4, 2009, meeting discussed proposed revisions to City Code zoning provisions relating to fences; that the City Planner had revised the text of the ordinance proposed to the City Council by the Planning Commission late last year and had forwarded proposed changes to the City Attorney for review; and that the City Council, as requested, had been provided a revised ordinance, as approved in form by the City Planner and City Attorney, for its consideration.

The Acting City Manager also reported that, if the City Council approved the revised language, the May 13 meeting would qualify as the first of two meetings that were required prior to adoption of an ordinance; that State zoning law required that a notice of public hearing be published in the local newspaper 15 days in advance of the meeting date; and that this public hearing could be scheduled for the June 1, 2009, City Council meeting, at which time the ordinance could be acted upon.

The City Council then revised the proposed ordinance to delete the second sentence in (1) (a) Definition of Fence, and to denote all areas that a maximum 6-foot fence would be permitted in Section 1712, Figure A. Following discussion, City Councilmember Marshall moved that, seconded by City Councilmember Johnson, that Ordinance 708 be approved:

Initial Motion - Resolution No. 18307

RESOLVED that Ordinance No. 708 language that would amend Appendix A of the City of Petoskey Code, Zoning Ordinance, be approved as submitted by the City Attorney and City Planner with revisions that the second sentence in Section 1712(1)(a) Fence be deleted and that Section 1712, Figure A, be revised to denote all areas that a maximum 6-foot fence would be permitted and that this matter be deferred to the City Council meeting of June 1, 2009, for further action.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Following discussion, City Councilmember Fraser moved that, seconded by City Councilmember Fraser, that City Councilmember Marshall's motion be amended to read as follows:

Amended Resolution No. 18307

RESOLVED that the language of Ordinance No. 708 to amend Appendix A of the City of Petoskey Code, Zoning Ordinance, be approved as submitted by the City Attorney and City Planner with revisions that the second sentence in Section 1712(1)(a) Fence be deleted and that Section 1712, Figure A, be revised to denote all areas that a maximum 6-foot fence would be permitted; and

BE IT FURTHER RESOLVED that a public hearing and second reading of proposed Ordinance No. 708 be scheduled for the June 1, 2009, City Council meeting, and that further action concerning this matter be deferred until that time.

Said amended Resolution No. 18307 was adopted by the following vote:

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

NAYS: None (0)

Action on this proposed Ordinance No. 708 was then deferred until the June 1, 2009, City Council meeting at which time a public hearing would be conducted to receive comments.

City Councilmember Marshall requested that enforcement of ordinance provisions be placed on a future City Council meeting agenda for discussion.

Resolution No. 18308
Begin City Manager Applicant Review;
Adjourn to Closed Session

The Acting City Manager then reported that the City Council had been provided a report from Thomas Dority, The Mercer Group, Estes, Colorado, the City's consultant for the City Manager recruitment, that contained information and analysis of leading candidates for the City Manager position, along with a separate summary of all applications that had been received; and that this information was confidential and could not be shared with anyone, even following the eventual selection of a City Manager.

The Acting City Manager then reported that the City Council was being requested to adjourn to closed session to review this confidential information and to consider potential candidates to be invited for public interviews that had been scheduled for Friday, June 12, and Saturday, June 13, 2009.

Mayor Pall reported that the City Council might reconvene in open session to act on City Manager candidates to be invited for public interviews by the City Council.

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

BE IT RESOLVED that the City Council does and hereby authorizes an adjournment to closed session, as permitted by provisions of the Michigan Open Meetings Act and case law, to review confidential City Manager applications.

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Said resolution was adopted by the following vote:

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

NAYS: None (0)

The City Council meeting was then adjourned to closed session at 8:45 P.M. and the City Council reconvened in open session at 10:15 P.M. with all members of the City Council present.

Resolution No. 18309
Schedule City Manager Interviews

Following review of confidential City Manager application materials in closed session with Mr. Dority, City Councilmember Dittmar moved that, seconded by City Councilmember Fraser, the

following resolution be approved:

BE IT RESOLVED that the City Council does and hereby schedules public interviews for the City Manager position with the following candidates on June 13, 2009: Michael Cramer, Division Manager, Department of Transportation, Greensboro, North Carolina; Marcus Peccia, Assistant City Manager, Lake Forest, Illinois; Dan Ralley, Village Administrator, Cardington, Ohio; Neil Soltis, Village Administrator, Osceola, Wisconsin; and Lisa Sutterfield, Assistant City Manager, City of Grand Haven, Michigan.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

There being no further business included on the meeting agenda, this special-session meeting then was adjourned at 10:40 P.M.

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

Alan Terry, City Clerk -Treasurer