

June 15, 2015

Mayor Pfeifer called the fourteenth meeting of the eighty-third Harbor Springs City Council to order at 7:00 p.m., in the City Council Chambers of the Harbor Springs City Hall, 160 Zoll Street, Harbor Springs, MI 49740.

1. Roll Call and Verification of Quorum

Present: Pringle Pfeifer, Matthew Bugera and John L. Cupps

Absent: Alan J. Dika and Jeff James

Also present: City Manager Thomas C. Richards, City Attorney James T. Ramer, Police Officer David Heater and City Clerk Ronald B. McRae

2. City Clerk/Comptroller/Treasurer

A. Approval of Minutes

#8239 – Motion by Cupps, second by Bugera, to approve the minutes of the May 18, 2015 City Council Meeting as read.

Ayes – 3

Nays – 0

Motion carried.

B. Approval of Bills

I have examined the bills appearing on the vouchers listed below and recommend they be allowed and payment made from the following funds:

<u>Voucher Number</u>	<u>To or For</u>	<u>Description</u>	<u>Fund</u>	<u>Amount</u>
8240	Payroll	PPE 5/17/15	General	\$ 32,825.82
			Major St.	345.64
			Local St.	131.70
			Historical	\$ 560.88
			Electric	12,482.90
			Water & Sewer	6,302.63
			Waterfront	4,754.32
			Equipment	1,413.11
8241	Wire	MPPA 5/20/15	Electric	\$ 24,729.35
8242	Wire	MPPA 5/26/15	Electric	\$ 23,554.40
8243	A/P	No Council 6/1/15	General	\$ 20,620.21
			Major St.	126.86
			Historical	1,174.06
			Electric	29,039.09
			Water & Sewer	130,935.29
			WTTp Water	6,758.00
			Waterfront	4,950.57
			Equipment	23,236.47
8244	Wire	MPPA 6/3/15	Electric	\$ 23,639.82
8245	Payroll	PPE 5/31/15	General	\$ 42,582.29
			Major St.	448.77
			Local St.	42.24
			Historical	560.88
			Electric	12,171.63
			Water & Sewer	6,994.64
			Waterfront	5,716.47

<u>Voucher Number</u>	<u>To or For</u>	<u>Description</u>	<u>Fund</u> Equipment	<u>Amount</u> 982.17
8245	Wire	Sales Taxes & State Income Tax Withholding 5/31/15	General Electric	\$ 4,522.37 12,581.85
8247	Wire	MPPA 6/12/15	Electric	\$ 35,147.32
8248	A/P	Council 6/15/15	General Major St. Local St. Historical DDA Electric Water & Sewer Waterfront Equipment	\$ 27,293.30 3,368.65 4,276.41 135.02 990.67 113,102.02 47,720.84 8,568.24 5,547.74

#8240 – Motion by Bugera, second by Cupps, to approve the bills in the amount of \$680,334.64.

Ayes – 3

Nays – 0

Motion carried.

THEREFORE, BE IT RESOLVED that claims on vouchers 8240, 8241, 8242, 8243, 8244, 8245, 8246, 8247 and 8248, as checked by the Finance Committee, in the amount of \$680,334.64 be allowed for payment, and the Mayor and the City Manager are hereby authorized to execute warrants to be drawn on the following funds:

General	\$127,843.99
Major St.	4,289.92
Local St.	4,450.35
Historical	2,430.84
DDA	990.67
Electric	286,448.38
Water & Sewer	191,953.40
WTP Water	6,758.00
Waterfront	23,989.60
Equipment	31,179.49
Totals	<u>\$680,334.64</u>

3. Citizens Comments

A. Art Gallery Walk

The Harbor Springs Area Chamber of Commerce (the “Chamber”) Executive Director Daniel DeWindt stated that the Seventh Annual Art Gallery Walk is scheduled for Friday evening, July 10, 2015 from 6:00 p.m. to 9:00 p.m.. This event is similar to the December “Open House”.

Executive Director DeWindt asked that the Police temporarily suspend enforcement to allow the Merchants to serve alcohol to the public and have the glasses taken out of the respective stores or galleries. City Manager

Richards stated that he covered this issue with Police Chief Branson. Chief Branson believes that City Council should endorse and give formal approval of this request. City Attorney Ramer stated that this request should be from Police Chief Branson. City Manager Richards stated that this request is based on his conversation with Police Chief Branson.

City Council discussed this issue with City Manager Richards. The City Council did not want any of the streets closed as with the December "Open House" Event. City Manager Richards stated that there was no request to close any streets. After the discussion, the following motion was offered:

#8241 – Motion by Cupps, second by Bugera, to authorize the Downtown Merchants to hold the Art Gallery Walk, as proposed, and to authorize the City Manager and the Police Chief to not enforce the City Code provision prohibiting open alcohol on public property.

Ayes – 3  
Nays – 0

Motion carried.

B. Fire Department Firefighters Fund Raiser

City Manager Richards stated that the Fire Department is requesting to hold a "Pancake - Breakfast Fund Raiser – Open House" on Saturday morning, July 18, 2015, from 8:00 a.m. through 11:00 a.m. at the Fire Station at 824 State Rd., Harbor Springs, MI 49740. The Fire Department plans to use the truck bays to cook and serve people.

It is the intent of the Fire Department to use this fund raiser to connect with the public and show them the Fire Department's great equipment so that they can see where their tax dollars are being spent.

#8242 – Motion by Cupps, second by Bugera, to authorize the City Manager to approve the Fire Department's "Pancake Breakfast Fund Raiser – Open House" as proposed.

Ayes – 3  
Nays – 0

Motion carried.

C. Citizen Passing

Dan Robinson stated that Packy Offield passed away Sunday from the leukemia he was fighting. Robinson stated that he knew that Offield was a prominent citizen of Harbor Springs.

D. Parking for Paddle Board Races

Christi Shibata stated that Paddle Boarding has become more popular. She has been working with several local businesses to hold some paddle board races. The races are planned to be held in the Little Traverse Bay by Ford Park and the Irish Boat Shop. She requested that the overflow parking be allowed at Shay Park at Judd Street and Bay Streets. Shibata stated that her father would direct the parking. Shibata stated that any monies raised would go toward recognition of paddle boarding. This event is planned for Saturday, July 11, 2015.

City Manager Richards stated that the Shay Park has been used for parking in the past. City Manager Richards stated that the Department of Public Works can remove some of the barriers to allow vehicle access to Shay Park and he would also have the sprinkling heads located and marked.

City Council discussed this request. It was their consensus that the City Manager authorize the use of parking at Shay Park, as proposed.

E. Farmers' Market

Cyndi Kramer, the Market Master of the Farmers' Market, thanked City Council for their support of the Farmers' Market. Kramer stated that last Saturday was the season opener. There were lots of people and plenty of vendors. The wine tasting tent worked fairly well, but does need some tweaking.

4. City Manager's Section

A. FOIA Policy

City Manager Richards stated that Public Act 563 of 2014 (the "ACT") established new requirements for the reacting to and meeting the "Freedom of Information Act" (FOIA) requests. Public Act 563 tightens the procedures and guidelines for responding to and billing for documents provided for the FOIA requests. The Act also requires that municipalities have a FOIA Policy approved by the local legislative bodies by July 1, 2015.

City Manager Richards reviewed some of the points of the proposed FOIA Policy for the City. Council Members noted the complexities of the proposed FOIA Policy. City Manager Richards and City Attorney Ramer addressed concerns and questions of the Council Members. After the discussion, the following motion was offered:

#8243 – Motion by Cupps, second by Bugera, to adopt the proposed FOIA Policy, as written.

Ayes – 3  
Nays – 0

Motion carried.

B. Fourth of July Parade – Restrictions on Seating in the Public Rights-of-Way

City Manager Richards stated that over the years the tradition of "staking out" prime viewing spots for the parade has become something of a competitive sport in Harbor Springs and other cities. As discussed after the parade last year, the placing of hundreds of chairs and other seating on the greensward and sidewalk has restricted pedestrian traffic, created trip hazards and encouraged conflicts between parade watchers and adjacent property owners.

City Manager Richards stated that to address these issues, the City Attorney, the Police Chief and the City Manager recommend City Council approval of a Traffic Control Order. The Traffic Control Order would prohibit the placement of seating on the sidewalk or greensward in the public rights-of-way before 9:00 a.m. on July 4<sup>th</sup>. In addition to Council approving or adopting the proposed Traffic Control Order No. 01-2015, it will be publicized.

City Manager Richards also stated that the City Code prohibits the placement of any obstacle in the street / public right-of-way.

City Council discussed the Traffic Control Order proposed with City Manager Richards and City Attorney Ramer. After the discussion, the following motion was offered:

#8244 – Motion by Bugera, second by Cupps, to approve Traffic Control Order No. 01-2015, which restricts the placement of seating in the public rights-of-way before 9:00 a.m. on the July 4<sup>th</sup> Holiday and Memorial Day, as written.

Ayes – 3  
Nays – 0

Motion carried.

C. Food Vendor License Application for Ford Park

City Manager Richards stated that Will Hazel has applied for a Food Vendor License for operation in Ford Park. City Manager Richards stated that Hazel proposes to locate and operate his food cart on the lawn at the northwest corner on the west side of the Ford Park Building between the building and the driveway.

City Manager Richards stated that Hazel brought his cart to show Council Members what it looks like. The business name is called "Will E's Dream Wagon, LLC. The menu is limited and has three entrees, two sides and a choice of four (4) soft drinks.

Council discussed the size of the cart, the layout of the operation and exceptions being requested by Hazel. Some of the exceptions requested were the use of a rug to walk on, the use of a trash can, not attached to the cart, the use of a table, to have electric available, and a sign on the menu board. Mayor Pfeifer questioned the variances from the City Code being requested by Hazel. City Attorney Ramer stated that City Council could grant approval with the variances. Mayor Pfeifer acknowledged that some of the variances requested were not unreasonable and suggested that the City Code be amended. Councilperson Cupps suggested that City Council allow the variances on a trial basis. If the exceptions prove to make for a better operation, an amendment to the City Code could be considered at that time.

After reviewing Hazel's requests, the consensus of Council was that everything was reasonable, except the proposed free-standing sign. After the Council discussion, the following motion was offered:

#8245 – Motion by Bugera, second by Cupps, to approve the Food Vendor License Application for "Will E's Dream Wagon, LLC" as requested, except the free-standing sign.

Ayes – 3  
Nays – 0

Motion carried.

#### D. Portable Food Vendor Committee Policy Recommendation

City Manager Richards stated that the Portable Food Vendor Committee has met several times. Further, the H.A.R.B.O.R., Inc. Executive Director, Rachel Smolinski, has been facilitating the Committee's meetings to develop the recommendations for City Council's consideration of a policy.

Smolinski stated that a summary of the "Portable Food Vendor Committee Recommendations" is:

1. Add a district location to the City Code where the Food Trucks park and sell their products. The recommendation was the last four parking spots on East Bay Street by the north east corner of the Harbormaster Parking Lot;
2. Add four (4) additional licenses to the existing code for a total of six (6) licenses;
3. Add additional standards for all Portable Food Vendors to comply with noise, signage, trash and debris, health and safety requirements of the Health Department, and that they must follow all state and federal applicable laws;
4. All Portable Food Vendors must establish their hours of operations, ranging from 8:00 a.m. to 10:00 p.m.;
5. All Portable Food Vendors shall have regular days of operation and their trucks may not be left unattended; and,

City Manager Richards stated that the last recommendation was to have City Council approval of the conceptual plans and draft an amendment to the City Code to allow additional Portable Food Vendors.

City Council discussed the above proposed recommendations. One concern was the clarification of four licenses. The licenses would be based on the number of parking spaces that the Portable Food Vendor would be occupying. If one parking space is used, one license would be required. If three parking spaces were used, three licenses would be required.

City Council decided that they would prefer to have a trial period for the Portable Vendor operations before amending the City Code. After the discussion, the following motion was offered:

8246 – Motion by Cupps, second by Bugera, to approve the five recommendations of the Portable Food Committee, listed above. Further, the Portable Food Vendors shall pay a license fee of \$20 per day per parking space occupied. Further, the Portable Food Operation shall be on a trial basis for the 2015 season.

Ayes – 3  
Nays – 0

Motion carried.

E. Waterfront Park Use for Private Wedding

City Manager Richards stated that he received a request from Michael Goodman to hold his daughter's, Ashley Goodman, wedding on the Waterfront, west of the Wallin Property and between the Harbormaster Building and the Irish Boat Shop. Mr. Goodman requested use of the area between 3:30 p.m. and 6:00 p.m. on Saturday, August 1, 2015.

City Manager Richards stated that he told Mr. Goodman that public park locations are not reserved for private events without City Council approval. Further, parking is usually not reserved for private events. City Manager Richards stated that he is not aware of any conflicts with other activities schedule for August 1<sup>st</sup>.

City Council discussed this request. It was City Council's consensus that the City Manager authorize the Goodman's wedding be held as proposed with the exception that no parking will be reserved. City Manager Richards stated that he would notify the Goodman Family.

F. Fourth of July Fundraising Activities for Not-for-Profit Organizations Requested for Approval

City Manager Richards stated that he received the following requests for fund raisers on the Fourth of July:

Harbor Springs High School Band	Pizza Sale in front of the AJ Blackbird Museum and Chamber of Commerce Offices
Harbor Springs Outdoor Club	Hamburger, Hotdog Sale in front of the cannon in Lower Zorn Park by the Art Fair
United Methodist Church	Barbeque Lunch in their parking lot
Boy Scout Troop No. 55	Water and Frozen Juice Sale along the Parade Route
Harbor Springs Friendship Center	Calendar Sales at the Island Bean

City Council discussed the proposed fund raisers. The City Council's consensus was for the City Manager to grant the not-for-profits his approvals for their proposed Fund Raisers on the Fourth of July. After the discussion, the following motion was offered:

#8247 – Motion by Cupps, second by Bugera, to approve the not-for-profit organizations fund raisers listed above, as proposed.

Ayes – 3  
Nays – 0

Motion carried.

G. Ford Park Overgrown Screening Trees

City Manager Richards stated that the trees that screen the Irish Boat Shop Building along the west border of Ford Park have become too large for the area. The trees also make it difficult to remove kayaks and canoes stored on the racks. The trees are scheduled regularly for pruning to prevent damage to the building.

City Manager Richards suggested removing the trees. City Council discussed this issue. It was City Council's consensus that this issue be referred to the Harbor Commission. Should the Harbor Commission decide to have the trees removed and not replaced, the issue is resolved. However, should the Harbor Commission want the trees replaced, the selection of the trees to screen the building and storage racks should be referred to the Tree Board.

H. Replacement Tree for Zoll Street Park

City Manager Richards stated that a tree growing near the Zoll Street Lift Station had to be removed for the Beach Drive Project to make the State required improvements to the Zoll Street Lift Station. The Harbor Springs High School Senior Class wanted to replace the tree. There was discussion about the selection of a tree (with input by the Tree Board). However, through a miscommunication, a tree has already been planted.

City Manager Richards stated the tree that was planted is a White Oak. At full maturity, the White Oak could reach a height of 150 feet and a canopy diameter of 75 feet. City Manager Richards stated that before the White Oak is removed or relocated, he was looking for direction from City Council. City Manager Richards stated that the waterfront view is favored over the benefits from an impressive tree. Therefore, City Manager Richards would like City Council's opinion on leaving the tree for the future, relocating it or replacing it with a smaller species.

City Council discussed this issue. It was City Council's consensus that they needed more education and would like a recommendation from the Tree Board before making a decision on this issue.

5. City Manager's Report

A. Beach Drive Project

City Manager Richards stated that the underground utility installation is nearly complete, the electrical conduits and the one-remaining water main connection at Artesian Street were installed as of Friday, June 12, 2015. Late this week, the curb and sidewalk installations are scheduled for completion.

The preparation work for paving the road should be complete by June 26, 2015 and ready for paving. Paving of the Little Traverse section is to be coordinated with the City's section.

City Manager Richards stated the pavers have advised that it may be advisable to delay the second and final course of asphalt if the road base is saturated. The soil conditions should be dried out before putting the final course of pavement on the road.

B. Pennsylvania Street Repair

City Manager Richards stated that Pennsylvania Street will be repaired as soon as the Beach Drive Project is complete. The project should take two to three days.

C. Board and Commission Meetings

The following board and commission meetings are scheduled for:

The Planning Commission Meeting is scheduled for 6:00 p.m., Thursday, June 18, 2015 in the City Council Chambers of City Hall, 160 Zoll Street, Harbor Springs, MI 49740.

The Harbor Commission Meeting is scheduled for 4:00 p.m., Wednesday, June 17, 2015, in the City Council Chambers of City Hall, 160 Zoll Street, Harbor Springs, MI 49740.

The Downtown Development Authority Meeting is scheduled for 8:00 a.m., Thursday, July 2, 2015 in the City Council Chambers of City Hall, 160 Zoll Street, Harbor Springs, MI 49740.

The Zoning Board of Appeals Meeting is scheduled for 5:30 p.m., Wednesday, July 8, 2015 in the City Council Chambers of City Hall, 160 Zoll Street, Harbor Springs, MI 49740.

D. Electric Department Report

City Manager Richards stated that the Electric Department Report on its activities has been put in the Board Packets.

6. Appointments

Mayor Pfeifer stated that she had two appointments to make. They are:

Flicka Regan to the Harbor Commission                      Term Ending 1/1/18  
Rob Straebel to the 911 Board as an Alternate

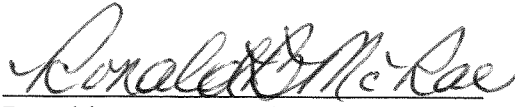
Mayor Pfeifer stated that if there were no objections from City Council, she would consider the appointments approved. There were no objections.

7. Old and New Business

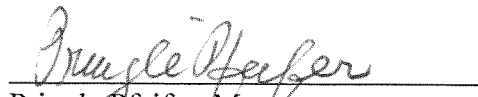
None

8. Adjournment

With no further business, Mayor Pfeifer adjourned the meeting at 8:10 p.m.

  
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Ronald B. McRae, City Clerk

Approved: July 20, 2015

  
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Pringle Pfeifer, Mayor