

November 7, 2016

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

1. Roll Call and Verification of Quorum

City Council:

Present: Pringle Pfeifer, John L. Cupps, Alan J. Dika and Jeffrey V. James

Absent: Matt Bugera

Deputy City Clerk Main stated that a quorum was present.

Also Present: City Manager Thomas C. Richards, City Attorney James T. Ramer, Police Chief Daniel J. Branson, City Clerk Ronald B. McRae, and Deputy City Clerk Michelle R. Main, Candidate for City Clerk Nick Whitaker

2. City Clerk / Comptroller / Treasurer

A. Approval of Minutes

#8407 – Motion by James, second by Dika, to approve the minutes of the October 17, 2016 regular City Council Meeting as read.

Ayes – 4

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>
8421	PAYROLL	P.P.E 10/16/16	General	\$ 37,195.54
			Major St.	280.88
			Local St.	165.00
			Historical	560.88
			Electric	11,687.85
			Water & Sewer	6,171.73
			Waterfront	5,640.90
			Equipment	1,082.24
8422	Trust Payouts 10/15/16	A/P	Trust	11,975.52
8423	MPPA 10/19/16	Wire	Electric	22,135.66
8424	MPPA 10/26/16	Wire	Electric	23,156.84

<u>Voucher Number</u>	<u>To or For</u>	<u>Description</u>	<u>Fund</u>	<u>Amount</u>
8425	A/P	No Council 11/1/16	General Local St. Historical DDA/PSD Electric Water & Sewer Waterfront Equipment	\$ 10,080.65 12,626.00 42.73 680.00 6,860.13 1,269.19 8,516.28 487.21
8426	MPPA 11/1/16	Wire	Electric	22,712.00
8427	Trust Payouts 10/31/16	A/P	Trust	12,523.48
8428	PAYROLL	P.P.E 10/30/16	General Major St. Local St. Historical Electric Water & Sewer Waterfront Equipment	\$ 42,387.55 616.40 331.15 560.88 12,719.64 5,040.41 2,319.44 1,238.25
8429	A/P	Council 11/7/16	General Historical Electric Water & Sewer W.T. Water Waterfront Equipment	\$ 13,797.19 43.29 47,209.74 35,597.72 6,798.83 1,539.04 4,567.38

BE IT RESOLVED that claims on vouchers 8421, 8422, 8423, 8424, 8425, 8426, 8427, 8428, and 8429, as checked by the Finance Committee, in the amount of \$370,617.63 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	\$ 103,460.93
Major St.	897.28
Local St.	13,122.15
Historical	1,207.78
DDA/PSD	680.00
Electric	146,481.86
Water & Sewer	48,079.06
West Traverse Water	6,798.83
Waterfront	18,015.66
Weather Buoy	0.00
Equipment	7,375.08
Trust	24,499.00
Totals	\$ 370,617.63

#8408 - Motion by James, second by Cupps, to approve the bills in the amount of \$370,617.63

Ayes - 4
 Nays - 0

Motion carried.

3. Citizen Comments

None

4. City Manager's Section

A. Personnel Committee Recommendation

City Manager Richards discussed the selection process for hiring the replacement for retiring City Clerk/Treasurer/Comptroller Ron McRae among the eight candidates that initially applied. Further discussed was the process for choosing the top candidate and subsequent interview held by the Personnel Committee that followed. A consensus among the Personnel Committee was that Nick Whitaker was the strongest candidate. The Personnel Committee's intent is to recommend Whitaker as the top candidate and make him an offer. Standard background checks, health exam, drug screen, and financial backgrounds were conducted. Councilperson James and Councilperson Cupps concur that Whitaker is a good fit; Councilperson James felt the City has been diligent in the process in selecting the best candidate. Personnel Committee Spokesperson Dika recommended to Council that the City make a formal offer to Whitaker contingent on satisfactory results of the outstanding financial background report and a mutually agreeable employment contract.

#8409 - Motion by Dika, second by Cupps, to authorize the Personnel Committee to further pursue Candidate Whitaker for the position of City Clerk/Comptroller/Treasurer

Ayes – 4

Nays – 0

Motion carried.

B. Consideration of Employment Offer and Appointment

City Manager Richards discussed the employment offer and next steps. City Attorney Ramer discussed the waiting period of the outstanding financial background check contingency, terms and conditions, and the signing of a formal agreement. City Council authorized the Personnel Committee to move forward with the review of the financial background of Candidate Whitaker. The City Council, by consensus, authorized the Personnel Committee to determine whether the background check is satisfactory. If the financial background check is satisfactory, The Consensus of City Council was to authorized the City Manager and the City Attorney to move forward with the formal offer to Candidate Whitaker.

C. Traffic Control Order Number 2016-004 – Proposed Parking Restriction

City Manager Richards discussed Traffic Control Order Number 2016-004, proposed by Chief Branson, to create a NO PARKING area of two parking spaces located on the South side of E. Main Street (M-119) just west of Zoll Street to 592 E. Main. The no parking order would increase visibility for motorists turning from Zoll Street onto M-119, as well as, increase the safety of pedestrians crossing M-119 and/or Zoll Street.

#8410 - Motion by Cupps, second by Dika, to adopt the Traffic Control Order as presented.

Ayes – 4

Nays – 0

Motion carried.

D. Zoning Code "Family" Definition – Consideration of Ordinance 401

City Manager Richards explained the process leading up to the proposed amendment of the Zoning Code with the revised definition of "Family" brought forth for approval by City Council. The proposed amended definition has been discussed and reviewed by the Planning Commission and was initially brought forth due to an investigation of a particular residence which was being utilized in violation of the zoning code restrictions. City Manager Richards presented the proposed definition and is seeking approval from City Council to amend the City Zoning Code.

#8411 - Motion by Cups, second by James, to approve Ordinance No. 401, which amends the definition of "Family"

Ayes – 4
Nays – 0

Motion carried.

4. City Manager's Report

A. Letter from Alanson Library

City Manager Richards summarized a letter received from the Alanson Library regarding the millage proposal on the November 8, 2016 ballot. Little Traverse Township residents are being asked to pass a millage to allow residents to utilize services from the Petoskey District Library. The letter explains the benefits that are currently provided by the Alanson Library to the residents of Harbor Springs.

B. Third Street Power Line Construction Project

City Manager Richards discussed the current status and process of the construction project on Third Street from Nelson Street West to Traverse Street. New power poles are being installed next to the old poles. All new poles will be installed before the old poles are removed and once the changeover is complete, the old poles will be removed and the area surrounding the removed pole will be cleaned up. Mayor Pfeifer asked what the anticipated timeframe for completion would be. City Manager Richards explained that in order to get a better pricing we allowed the contractor a longer period of time to complete the job. The contract states that the project must be completed by Memorial Day 2017. However, City Manager Richards estimated that within the month of November the majority of the work will be complete.

C. Health Care for City Employees

Renewal of the City Employee's Blue Cross Blue Shield plan, or its compliant replacement, is currently under review. City Employees pay 20% of the premium by way of a payroll deduction and the City pays the remaining 80% of the premium. Premium rates have increased slightly over 7% and anticipated increased cost is close to what the City has budgeted for.

D. Downtown Sign Regulations

City Manager Richards discussed the current review process by the Planning Commission of the current sign regulations and determination of what, if any, changes are acceptable. The information has also been shared with the Downtown Development Authority, Chamber of Commerce, and the Business Roundtable so that everyone has had the opportunity to be involved in the discussion.

E. Portable Food Vendors

City Manager Richards informed Council that the Portable Food Vendor Committee is beginning meetings this Wednesday, November 9th, to discuss alternative locations and details that they might recommend.

F. Ottawa Street Pavement

City Manager Richards stated that the pavement project on Ottawa Street at Lake Street has been completed.

G. Odawa Tribe Lawsuit Discovery

City Manager Richards informed Council that the City is preparing for an anticipated request relative to the Odawa Tribes Lawsuit. As part of the discovery process we may be asked to preserve and provide any and all electronic records related to the case. Should this need arise the City is ensuring that our IT systems are capable of searching for related stored emails and electronic records to make them as easily searchable and accessible as possible.

5. Boards and Commissions

A. Appointments

Mayor Pfeifer stated that she had no appointments to make this evening.

6. New and Old Business

Mayor Pfeifer thanked City Manager Richards, City Clerk McRae, City Attorney Ramer, and the City staff for the support they have given her during her term as Mayor, as this is her last meeting as Mayor. Additionally Mayor Pfeifer wished good luck to the next Mayor. Pfeifer added that she was proud of the good work done by the collective group. Councilperson Dika also indicated that this could be his last meeting and said that it has been a lot of fun working with everyone.

7. Closed Session

#8412 - Motion by Cupps, second by James, to authorize going to the Closed Session under Section 8(e) of the Public Act 267 of 1976 (Open Meetings Act), as amended, to consult with the City Attorney and City Manager regarding trial or settlement strategy in connection with the pending complaint to vacate a portion of a platt within the City.

Ayes: James, Pfeifer, Cupps, and Dika
Nays: None
Absent: Bugera

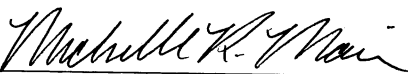
Motion carried.

Mayor Pfeifer recessed from Open Session at 7:30 p.m. to go to Closed Session.

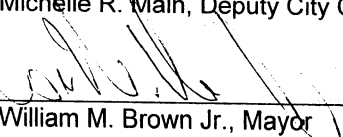
Mayor Pfeifer called the Open Session back to order at 7:50 p.m.

8. Adjournment

With no further business, Mayor Pfeifer adjourned the meeting at 7:53 p.m.


Michelle R. Main, Deputy City Clerk

Approved: November 21, 2016


William M. Brown Jr., Mayor

Attachments

Harbor Springs Police Department
170 Zoll Street
Harbor Springs, Michigan 49740
Phone: (231) 526-6222 Fax: (231) 526-2699

Chief of Police
Daniel Branson

Executive Secretary-Dispatcher
Yvonne Olshove

Police Officers
Dave Heater
Josh Johnston
Matt Pater
Steve Timmons

TRAFFIC CONTROL ORDER

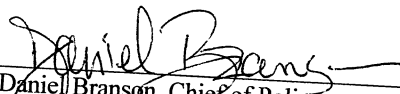
Traffic Control Order Number: 2016-004

Effective Date: November 8, 2016

Duration: Permanent

Purpose: Parking is hereby prohibited on East Main Street (M-119) from Zoll Street West to 592 East Main Street, currently Pontius Flower Shop

Justification: To increase visibility for motorists turning from Zoll Street onto M-119 and to increase the safety of pedestrians crossing at Zoll Street


Daniel Branson, Chief of Police
Serving as Traffic Engineer


Ronald B. McRae, City Clerk

Dated: Nov 16, 16

Dated: 15 Nov 16

Approved by: City of Harbor Springs 83rd City Council on November 7, 2016

ORDINANCE NO. 401

An ordinance to amend Chapter 50 of Title V of the Code of the City of Harbor Springs, by amending Section 50.203(10) therein.

WHEREAS, the Planning Commission of the City of Harbor Springs has studied the existing provisions of the Zoning Code pertaining to the definition of family, and determined that changes to this definition are desirable; and,

WHEREAS, the Planning Commission conducted a public hearing on October 20, 2016, on the proposed amendment to the Harbor Springs Zoning Code, including that which is contained in this Ordinance; and,

WHEREAS, after said public hearing, on October 20, 2016, the Harbor Springs Planning Commission recommended the adoption of the zoning provisions contained in this Ordinance; and,

WHEREAS, the City Council has studied this matter, accepts the recommendation of the Planning Commission, concurs therewith, and finds that adoption of the within Ordinance is necessary for the health, safety and welfare of the City of Harbor Springs.

NOW, THEREFORE, THE CITY OF HARBOR SPRINGS ORDAINS:

Section 1

Chapter 50 of Title V of the Code of the City of Harbor Springs is hereby amended by amending Section 50.203(10) to read as follows:

“(10) Family. An individual; or, an individual plus one (1) non-related individual; or a group of individuals related by blood, marriage or adoption, plus one (1) non-related individual; or, a group not exceeding four (4) unrelated persons plus descendants, but not exceeding eight (8) in total, all of whom are domiciled together as one functional unit, whose relationship is of a continuing, non-transient, permanent and distinct domestic character with a demonstrable and recognizable bond among them characteristic of a cohesive unit whose intention is to live and cohabit together for the foreseeable future, using common cooking facilities and who are living together as a single, nonprofit housekeeping unit. “Family” shall not include any society, club, employee housing, dormitory, fraternity, sorority, association, lodge, organization, school, boarding house or group of students or other individuals whose relationship is of a transitory or seasonal nature, such as students living together for the limited duration of a school term, or others living together for similar determinable periods of time, or whose primary motivation for sharing a residence is convenience or economics.”

Section 2

The provisions of this ordinance are hereby declared to be severable, and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by a court of competent jurisdiction, the remaining portions of said ordinance shall remain in force.

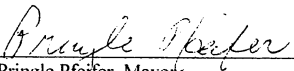
Section 3

This ordinance shall take effect ten (10) days after its adoption and publication.

Section 4

A copy of this Ordinance may be purchased or inspected during normal business hours at City Hall, 160 Zoll Street, Harbor Springs, Michigan.

We hereby certify that the foregoing is a true copy of an ordinance adopted by the City Council of the City of Harbor Springs at a regular meeting held on November 7, 2016.


Pringle Pfeffer, Mayor


Ronald B. McRae, City Clerk

I hereby certify that the publication of Ordinance Number 401 was made in the November 9, 2016, issue of the *Harbor Light*, a weekly newspaper published and circulated in the City of Harbor Springs.


Ronald B. McRae, City Clerk