

March 20, 2017

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

1. Roll Call and Verification of Quorum

City Council:

Present: William M. Brown Jr., Matthew Bugera, John L. Cupps, Pringle Pfeifer

Absent: Jeffrey V. James

City Clerk Whitaker stated that a quorum was present.

Also Present: City Manager Thomas C. Richards, City Attorney James T. Ramer, Police Chief Dan Branson, and City Clerk Nick Whitaker

2. City Clerk / Comptroller / Treasurer

A. Approval of Minutes

#8450 – Motion by Cupps, second by Bugera, to approve the minutes of the March 6, 2017 regular City Council Meeting as read.

Ayes – 4

Nays – 0

Motion carried.

B. Approval of Bills

The bills on the following vouchers, as listed below, have been examined. It has been recommended that they be approved for payment from the following funds:

<u>Voucher number</u>	<u>Description</u>	<u>Payment to or for</u>	<u>Fund</u>	<u>Amount</u>
8477	Payroll	P.P.E. 2/20/17	General	\$38,586.36
			Major St.	\$2,050.47
			Local St.	\$1,199.19
			Historical	\$560.88
			Electric	\$11,647.52
			Water/Sewer	\$4,298.19
			Waterfront	\$967.12
			Equipment	\$4,920.59
8478	Wire	MPPA 3/8/17	Electric	\$20,773.66
8479	No Council	Accounts Payable 3/15/2017	General	\$1,613.51
			Electric	\$210.59
			Water/Sewer	\$21.00
			Waterfront	\$153.84
			Equipment	\$3,101.72
8480	Wire	MPPA 3/15/17	Electric	\$48,788.53

<u>Voucher number</u>	<u>Description</u>	<u>Payment to or for</u>	<u>Fund</u>	<u>Amount</u>
8481	Council	Accounts Payable 3/20/2017	General	\$75,465.13
			Major St.	\$615.40
			Local St.	\$3,833.89
			Historical	\$212.85
			DDA	\$4,500.00
			Electric	\$80,223.62
			Water/Sewer	\$7,331.40
			W/T Water	\$5,118.70
			Waterfront	\$720.53
			Equipment	\$6,971.60

BE IT RESOLVED that claims on vouchers 8477 through, and including, voucher number 8481 as checked by the Finance Committee, in the amount of \$323,886.29, 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	\$115,665.00
Major St.	\$2,665.87
Local St.	\$5,033.08
Historical	\$773.73
DDA	\$4,500.00
Electric	\$161,643.92
Water/Sewer	\$11,650.59
W/T Water	\$5,118.70
Waterfront	\$1,841.49
Equipment	\$14,993.91
Totals	<u>\$323,886.29</u>

#8451 - Motion by Bugera, second by Pfeifer, to approve the bills in the amount of \$323,886.29

Ayes – 4

Nays – 0

Motion carried.

3. Citizen Comments

None

4. City Manager's Section

A. Ordinance 403

City Manager Richards presented Ordinance 403 and stated that the Planning Commission came to the decision to approve the proposed Ordinance after lengthy discussions about the need to revise the downtown signage regulations. Further discussed were the reasons why the Planning Commission came to their final decision to hold a Public Hearing, approve the final language in the Ordinance, and recommend it to City Council for adoption.

#8452 - Motion by Cupps, second by Bugera, to approve Ordinance 403 revising downtown sign regulations.

Ayes – 4
Nays – 0

Motion carried.

B. Ordinance 404

City Manager Richards discussed the need to revise the Special Land Use Permit expiration date, effectively increasing the expiration period from six months to twelve months, based on discussion had by the Planning Commission. City Manager Richards further stated that a Public Hearing was held; the Planning Commission approved the Ordinance, and then recommended it to Council. Mayor Brown stated that he was in attendance at these discussions and recommends the Ordinance as presented.

#8453 - Motion by Brown, second by Cupps, to approve Ordinance 404 extending the special land use permit granted by the Planning Commission to one year.

Ayes – 4
Nays – 0

Motion carried.

C. City Manager

City Manager Richards presented a briefing on the following recommended and budgeted purchases, bid approvals, and contracts:

- Replacement of the 2007 Chevrolet Impala Police Patrol Car with a 2017 AWD Ford Explorer to be purchased from Brown Motors at a cost of \$28,367.28 and installation of specialized equipment from Priority One at a cost of \$7,466.00.
- Exterior painting of the City Hall and Police Department buildings by M & D Painting at a cost of \$15,250
- Installation of Storm Water Separators at outflows near the Harbormaster Building and Zorn Park, work to be completed by Northern Excavating at a cost of \$18,946, with \$9,000 of the total cost being funded by a grant from the Harbor Petoskey Community Foundation.
- Re-pavement of the Bay Street parking lot by Spierling Trucking at a cost of \$18,273.00
- Replacement of the retaining wall at Third and Judd Streets by Spierling Trucking for \$39,233.00

After brief discussion about the retaining wall replacement, Mayor Brown entertained a motion to approve all of the expenses with one motion.

#8454 - Motion by Cupps, second by Bugera, to authorize City Manager Richards to enter into the agreements for the purchases and contracts as presented.

Ayes – 4
Nays – 0

Motion carried.

5. Manager's Report

City Manager Richards reviewed his Manager's Report and briefed Council in the following areas:

- **Holiday lighting year-round use status:** The recent discussions relative to the suggestion that the City keep the downtown holiday lighting up year-round will be discussed upcoming DDA and Chamber of Commerce meetings per Council's request.
- **Forest Beach Water Distribution Replacement status:** The contractor has determined that there is an opportunity to conduct a directional bore in lieu of opening up the road to install the new water pipe, which will result in a \$31,000.00 savings for the City as well as a reduction in the amount of time traffic will be disrupted.
- **Parking Policy Concerns:** Past concerns regarding parking and what is required for businesses per the City code were discussed. There is currently an allowance for businesses to lease off-street parking or to meet the requirement by paying into a City fund which would ultimately be used to build more parking. No new parking has been built and no money has been received into the fund, and subsequently resulted in potential business owners being turned off from investing their business interests in the City. This current arrangement is not working and it is suggested that a solution to the problem be addressed. By consensus, Council recommended that the Planning Commission consider the elimination of required parking for downtown businesses. City Manager Richards stated that he would pass the recommendation on to the Planning Commission and DDA.
- **Food Truck (Portable Food Vendor) Recommendations:** A recommendation from the Portable Food Vendor Committee is forthcoming at the next City Council meeting.
- **Planning Consultant Contract Changes:** Larry Nix, who has served as the City Planner, through his employer Williams & Works, for the past twenty two years is retiring from Williams & Works but would like to continue serving the City on a private practice basis. A contracting agreement, for relatively the same cost to the City, has been presented, and with Council approval the agreement will be signed to maintain consistent representation for the City. By consensus, Council approved the agreement as presented.
- **Harbor Springs Public Schools Sports Facility Improvements:** As part of the School's current plan for upgrading their sports facilities and parking areas the School has stated that in order for them to bond for these improvements they need either ownership or a long term lease of the Hoyt Street baseball field property to qualify. The School district then provided the City with a draft lease agreement which asked for exclusive use of the property from January to June and for the terms of the lease to extend fifty years. The City responded with the counter of twenty five year term lease and without exclusive use. The City Attorney and School District Attorney have been in discussions over these lease terms. Council, by consensus determined that the terms of an exclusive use lease will not be considered, thereby giving direction to the City and its Attorney.
- **Upcoming Boards and Commissions Meetings are:**
 - DDA/PSD Board - Thursday, April 6, 2017 at 8:00 a.m.
 - Planning Commission - Thursday, April 20, 2017 at 6:00 p.m.

6. Appointments

Mayor Brown stated that he would like to make the following appointments:

- Re-appoint Andrew Bowman to a three year term on the Planning Commission, term expiring March 2020
- Appoint Michelle Kruzel to a three year term on the Zoning Board of Appeals, term expiring March 2020, replacing Jeffrey Granger whose term expired March 2017

7. New and Old Business

Member Cupps asked about the status of the tribal lawsuit. City Attorney Ramer stated that there are no critical dates on the horizon until July 2018, which is when the courts will entertain a motion for summary judgement, and further clarified that this will be a bench decision, not a jury decision. City Attorney Ramer further stated that there will be a presentation by David Otis, an Attorney from Plunkett & Cooney who is representing the Cities of Harbor Springs and Petoskey and the Counties of Emmet & Charlevoix on April 10, 2017 at the County Board of Commissioners, it was also suggested that Mr. Otis be invited to the City to present directly to City Council his opinion on where things stand. Council agreed that they would like for a special presentation be scheduled.

City Manager Richards informed Council that he had plans to travel to visit family from the afternoon of Wednesday, March 29th through Tuesday, April 4th, however will be available for all City business by cell phone and e-mail.

Shirley Snyder, representing the Wequetonsing Association, asked if it was possible to schedule the meeting with Mr. Otis of Plunkett & Cooney closer to the summer so that Board Members of the Wequetonsing Associations be able to attend. Snyder further stated that they are also actively involved in the lawsuit and are interested in gathering as much information as possible. Mayor Brown stated that the City will advise them as to when it is scheduled.

8. Next Meeting

City Manager Richards stated the next regular City Council Meeting is scheduled for 7:00 p.m., Monday, April 17, 2017.


9. Adjournment

With no further business, Mayor Brown adjourned the meeting at 7:51 p.m.



Nick Whitaker, City Clerk

Approved: April 17, 2017



William M. Brown Jr., Mayor

Attachments page

ORDINANCE NO. 403

An ordinance to amend Chapter 50 of Title V of the Code of the City of Harbor Springs, by adding a new section 50.207(16) and by amending Section 50.1204 by amending subsections (4) through (6) therein.

WHEREAS, the Planning Commission of the City of Harbor Springs has studied the existing provisions of the Zoning Code pertaining to signs in the CBD (Central Business District), and determined that changes to the Zoning Code were desirable; and,

WHEREAS, the Planning Commission conducted a public hearing on March 16, 2017, on the proposed amendment to the Harbor Springs Zoning Code as contained in this Ordinance; and,

WHEREAS, after said public hearing, on March 16, 2017, 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 Harbors Springs,

NOW, THEREFORE, THE CITY OF HARBOR SPRINGS ORDAINS:

Section 1

Sections 50.207(16) through 50.207(37) are re-numbered as Sections 50.207(18) through 50.207(39).

Section 2

Section 50.207(15a) is re-numbered as Section 50.207(17).

Section 3

A new section 50.207(16) is added to read as follows:

“(16) Sign, Message Board. A sign with a message that can be changed periodically by mechanical means, such as by adding or replacing a preprinted message, using hand writing or using changeable letters. A message board sign is subject to all other restrictions on signs in this Zoning Code as are now or hereafter adopted.

Section 4

Section 50.1204 of Chapter 50 of Title V of the Code of the City of Harbor Springs is hereby amended by amending subsections 50.1204(4) 50.1204(5) and subsection 50.1204(6) to read in their entirety as follows:

“(4) A combination of up to four (4) wall/window signs and one (1) projecting sign may be used provided the combined sign area does not exceed the maximum sign area per building determined under Section 50.303(9). Each side of a projecting sign shall be counted in calculating the total allowable area even if not lettered upon. In addition to the sign area

determined in Section 50.303(9), a total of two (2) pedestrian level signs are permitted at the entry of the business provided each sign does not exceed one (1) square foot in area; further, one (1) message board is permitted, provided such sign does not exceed six (6) square feet in area.

(5) If an establishment has an entrance to the Merchant's Walkway the establishment shall be permitted one (1) additional wall sign which may be located on a building wall facing the Merchant's Walkway, provided such sign shall not exceed six (6) square feet in area.

(6) If an establishment has an entrance on two (2) streets in the Central Business District, the establishment shall be permitted one (1) additional wall sign which may be located on a building wall facing the non-primary street entrance in the Central Business District (as determined by the applicant), provided such sign shall not exceed six (6) square feet in area."

Section 5

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 6

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

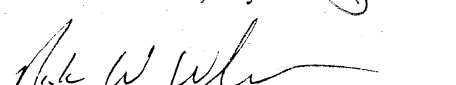
Section 7

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 March 20, 2017.



William M. Brown, Mayor



Nick W. Whitaker, City Clerk

I hereby certify that the publication of Ordinance Number 403 was made in the March 22, 2017, issue of the *Harbor Light*, a weekly newspaper published and circulated in the City of Harbor Springs.



Nick W. Whitaker, City Clerk

ORDINANCE NO. 404

An ordinance to amend Chapter 50 of Title V of the Code of the City of Harbor Springs, by amending Section 50.2102(1) therein.

WHEREAS, the Planning Commission of the City of Harbor Springs has studied the existing provisions of the Zoning Code pertaining to the expiration date of Special Land Uses and determined that extending the expiration date for Special Land Uses from six (6) months to one (1) year would be desirable; and,

WHEREAS, the Planning Commission conducted a public hearing on March 16, 2017, 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 March 16, 2017, 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 Harbors 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 50.2102(1) to read as follows:

(1) Approval. If the Planning Commission determines that the particular special land use(s) should be allowed, it shall endorse its approval thereof on the written application and clearly set forth in writing thereon the particular use(s) which has been allowed. Thereafter, the enforcing officer may issue a building permit in conformity with the particular special approval use so approved. In all cases where a particular special land has been granted as provided herein, application for a building permit in pursuance thereof must be made and received by the City not later than one (1) year thereafter, or such approval shall automatically be revoked; provided, however, the Planning Commission may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not to exceed six (6) months as it shall determine to be necessary and appropriate.

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.

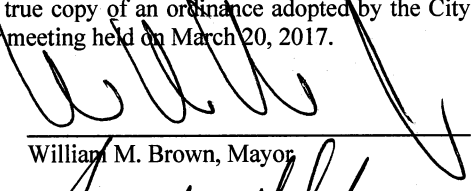
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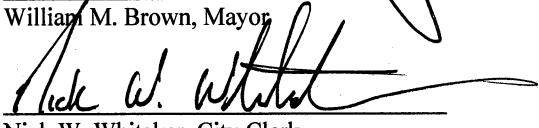
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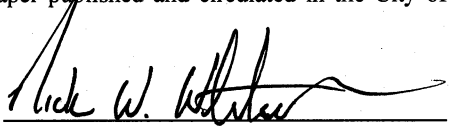


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Nick W. Whitaker, City Clerk

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