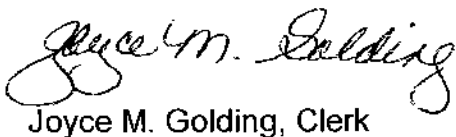


CITY OF CHARLEVOIX
210 STATE ST. CHARLEVOIX, MICH. 49720

PUBLIC NOTICE
SPECIAL MEETING
CITY OF CHARLEVOIX CITY COUNCIL

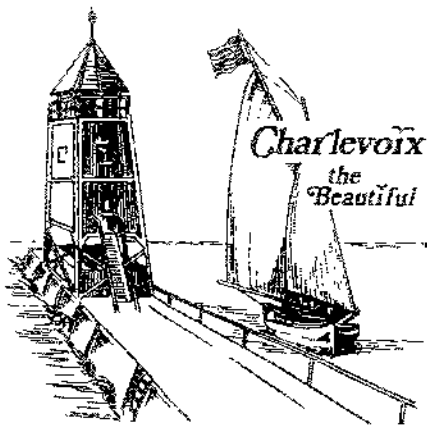
The Charlevoix City Council has called a Special Meeting for **Thursday, August 14, 2014, at 5:00 p.m.** The meeting will be held in Council Chambers at City Hall, 210 State Street, Charlevoix, Michigan.

The primary purpose of the meeting is to hold discussion regarding the right of way on Alice Street.


Joyce M. Golding, Clerk

08/13/2014
08:20 a.m.

The City of Charlevoix will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon one week notice to the City of Charlevoix. Individuals with disabilities requiring auxiliary aids of services should contact the City of Charlevoix Clerk's Office in writing or calling the following: City Clerk, 210 State Street, Charlevoix, MI 49720 (231) 547-3250



CITY OF CHARLEVOIX

210 STATE ST. CHARLEVOIX, MICH. 49720

AGENDA CITY OF CHARLEVOIX CITY COUNCIL SPECIAL MEETING

Thursday, August 14, 2014 – 5:00 p.m.

210 State Street, City Hall, City Council Chambers, Charlevoix, MI

- I. Invocation (Pledge of Allegiance)**
- II. Roll Call of Members Present**
- III. Inquiry Regarding Possible Conflicts of Interest**
- IV. Requests, Petitions and Communications and Actions Thereon**
 - A. Discussion Regarding Right of Way on Alice Street
- V. Closed Session**
 - A. City Attorney Consultation -- Section 15.268 (8) (h)
- VI. Reconvene, Action to be Taken if Appropriate**
 - A. Further Discussion with Possible Staff Direction Regarding Right of Way on Alice Street
- VII. Audience - Non-agenda Input (written requests take precedent)**
- VIII. Adjourn**

The City of Charlevoix will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon one weeks' notice to the City of Charlevoix. Individuals with disabilities requiring auxiliary aids or services should contact the City of Charlevoix Clerk's Office in writing or calling the following: City Clerk, 210 State Street, Charlevoix, MI 49720 (231) 547-3250.

Posted August 13, 2014 3:00 p.m.

CHARLEVOIX CITY COUNCIL

SPECIAL MEETING

AGENDA ITEM

AGENDA ITEM TITLE: Discussion Regarding Right of Way on Alice Street

DATE: August 14, 2014 5:00 p.m.

PRESENTED BY: Scott Howard

Rob Straebel

ATTACHMENTS:

1. Map of Alice Street
2. Letter from Resident at 205 Alice Street
3. Letter from Julie Roth/Reply from Pat Elliott
4. August 4 Letter from the City Manager
5. Confidential memo from Scott Howard dated August 12, 2014

BACKGROUND INFORMATION: Over the last week or so, City Staff has been in discussion with the Boss Family, 203 Alice Street. The issue is whether the Boss Family can repave a portion of City right of way between the edge of the sidewalk and the edge of the street for parking their vehicles. This issue was brought to me by a Council member who does not want to see the area repaved. I recommend you visit the site to get a better idea of the issue.

It is unknown when the estimated 24' X 15' area was paved with asphalt but appears to be at least 20 years ago. The City can find no formal approval in our records and the Boss' cannot produce any document that show City approval.

The issue arose when the City had a broken sewer main underneath the area in question and had to tear up not only the street but the entire parking area in the right of way. We have since paved a portion of the street but have not addressed the parking area until we get direction from City Council. The Boss' have stated they plan to construct a new driveway on their property. Initial work has been completed on the proposed driveway that will have sufficient parking area for at least two vehicles.

The City Manager's Office has received two phone calls from neighbors opposing repaving the parking area in the street right of way. The area in question, if allowed to be repaved, would be

inconsistent with the neighborhood that has grass between the sidewalk and the edge of the street. There are stormwater issues also in creating more impermeable surfaces.

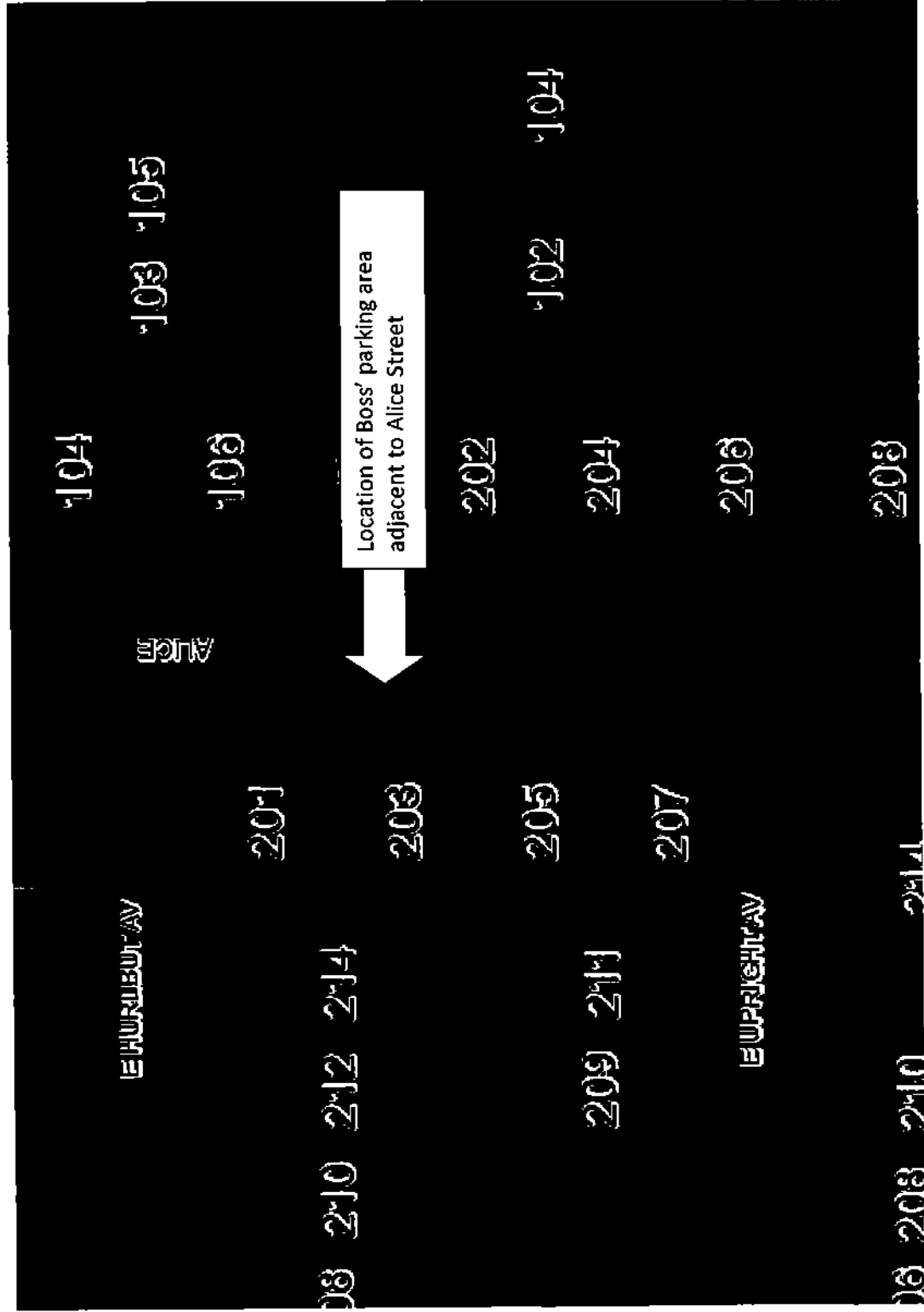
MML is working with State legislators to address this important public policy legal issue.

We recommend that there be general discussion in an open session regarding the issue. The Boss' will also want to give input from their perspective on this issue. After discussion in an open session, City Council should convene a closed session to discuss legal matters. After the closed session, City Council can direct Staff how to proceed.

We have contacted the Boss Family to inform them of this special meeting.

RECOMMENDATION: Direction to Staff on how to proceed with the right of way issue at 203 Alice Street.

Aerial of 203 Alice Street



RECEIVED
AUG 10 2014
CITY OF CHARLEVOIX

Attention:
Mr. Robert Straebel
Charlevoix City Manager
210 State Street
Charlevoix, Michigan 49720

Dear Mr. Straebel,

I am writing in reference to the parking dilemma at 203 Alice Street in the city of Charlevoix. I understand that a new driveway is being put in beside the home and goes the length of the south side of the property. That is good to know. The people who live at that property want to continue to surface the city land which lays between the street and sidewalk, all the way across their frontage, for further private parking. I object to this. Why?

1. The family did have an asphalt surface placed on the major portion of said city property over twenty years ago. To my knowledge, that act had no approval by the Planning Commission of Charlevoix.
2. The family has been using this arrangement as their parking spot. They drive their vehicles straight in toward their home, over the public sidewalk, across the said city property, and continue to park the same way over the easement and onto my grass when they run out of room.
3. They tell others that I'm too fussy about my grass and have objected to how the lawn maintenance men fertilize and mow for me.
4. Their vehicles block the view of traffic coming up the Alice Street hill, making it very difficult to back out of my driveway.
5. I have strong concerns for children playing in my front yard or driveway. Drivers coming up the hill can't see them in time because of the parked cars next door.
6. Two years ago my neighbors cleared their so called parking area of snow and piled it onto my driveway and across my land. I loan my car garage to a Beaver Island cancer friend, during the winter, so that she has transportation on the mainland to see her doctor. She was blocked in because of snow piles left by the neighbors. The grass on my land had also turned yellow the next spring.

The residence at 205 Alice Street is my second home. The property has been in my family since my great-grandmother, Elizabeth Goodyear, purchased it in 1902 /03. My mother and I were both brought up there. It has been well maintained all these years, taxes and utilities are kept up to date, a lawn service cares for the land and my family and church friends look forward to our time in Charlevoix. I expect the same treatment. I have been unable to live at the house during the last seasons due to major surgeries but am looking forward to returning in the fall. I plead with you, the Council, and the Planning Commission to hear my concerns and listen to fellow neighbors who also are against this unlawful use of land for parking. We want to see grass returned to the city property, too.

Sincerely yours,
Dorothy Evans

Julee Roth
102 Alice Street
Charlevoix, MI 49720

August 10, 2014

To: The Charlevoix City Council, fellow Alice Street residents and all those concerned:

Recently I observed a new driveway being installed on City property and I am very concerned about it on Alice Street. In addition to asking for your help to stop this driveway installation, I would like to also inform you about other street issues that need your immediate attention, consideration and help to repair:

1. There is a serious water problem on Alice Street. Below please find a photo I took on August 4th. They are my water filters - the one on the left is very debris filled and the one on the right is brand new. I was forced to install a whole-house water filtration system, at a cost of \$3200, because our water is so incredibly debris filled. My toilets were continuously running because sand debris was stuck in the flapper; my humidifier was clogged; my water tasted terrible; as well as my white sheets and towels were turning orange. Having replaced all the plumbing in my house less than five years ago, and having my plumbing lines air cleaned after this winter, the orange filter on the left was doing its' job. The water filtration company recommends that for municipal or city water the filter be changed every 9-12 months. I had to change my filter in less than 10 weeks!



2. There is a pavement problem on Alice Street. And since it has been over four months since the winter-deep-freeze thawed, how come Alice Street still looks like it is from war-torn Gaza? Why is the City not fixing our street promptly and properly? Why are there broken curbs (I had to repair mine at my own expense so my car wouldn't continue to bottom out), the dirt pot holes and uneven roadway? Why is it okay to leave our street in such horrible and embarrassing disrepair? More than just Alice Street residents use this roadway: Heavy trucks, trailers with large boats, buses carrying tourists (who stop and photograph) and lots of visitors constantly drive on Alice Street. When will the street and curbs be fixed?
3. There is a debris problem on our streets. I know the street department works very hard, however they will pass by debris two, three even four times a day, then not come back and pick

up the debris for weeks. Attached please find photos from Belvedere where tree limbs stayed out over three weeks, not only taking up valuable parking but looking terribly unsightly. The same debris problems happen regularly on Alice Street, Hurlbut, Upright, Lincoln, and Garfield streets. Charlevoix does not have the pristine streets it advertises and people are not paying attention to the repeated requests of the Street Department to separate their debris. Please take special note about debris, especially in the middle photo that was over a drain that went directly into Round Lake in front of Mr. Winn's house. The City should be able to pride itself on clean streets, when will that happen?



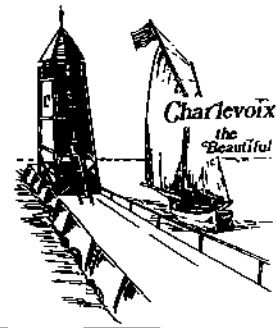
4. In June 2013 I was issued a ticket at approximately 12:30 AM for parking over the sidewalk in front of my garage. The next day, I took photographs of my neighbors three cars parked over the sidewalk blocking access at 203 Alice Street. I took the photos with me to the police station and spoke to the Chief. While I was unaware I had committed an offense, I promptly paid my fine. I learned my neighbors were not issued tickets nor have ever been issued tickets for parking over their sidewalk. I believed that the ticket I was issued in the middle of the night was in retaliation for standing up against the fireplace. Life-long residents were treated different than new or summer residents. And now those same residents are illegally paving over City property. Why does the Boss family get special treatment and why are they allowed to park over the sidewalk? Why is there selective enforcement?

Alice Street homes have been in the midst of renewal and revival. We are putting a lot of money into our homes, but we are not treated the same as the residents on State, Park, Michigan or Dixon streets. I am sure those residents have not waited four months to have their streets repaired. I am sure their water is safer and cleaner to drink and use. And I am sure trash and debris doesn't sit out for weeks on end in their neighborhood.

It is obvious the City has many financial concerns but we taxpayers are not getting what we are paying for: drivable roads, clean water and clean streets. Please do more than discuss this at a meeting. Give us dates when our road can be properly repaired or replaced. Give us clean water to drink. And give us clean streets for more than one hour a month.

Sincerely,

Julee Roth
Proud Charlevoix and Alice Street Resident



MEMORANDUM

To: Julee Roth
From: Patrick Elliott
Date: August 12, 2014
Subject: Response to Julee Roth's letter dated August 10, 2014

Julee,

In response to your letter dated August 10, 2014 please find the following comments and clarifications regarding your concerns.

In regards to the driveway situation you bring up at the Boss residence, City staff is currently reviewing that situation and will determine what options the City and the Boss family have. As you may have noticed, there has been no paving completed between the sidewalk and the edge of the road.

As far as there being a "serious water problem on Alice Street", staff does not agree with this claim. The City's municipal water system complies with all Department of Environmental Quality (DEQ) requirements and the Safe Drinking Water Act, (PA 399). You can find the City's annual Consumer Confidence Report (CCR) on the City's web page, cityofcharlevoix.org. Furthermore, in accordance with DEQ requirements, the City completes weekly bacteriological tests, chlorine residual test along with other monthly and quarterly sampling requirements, all of which are well within the parameters of the Safe Drinking Water Act. A discolored water filter does not constitute unhealthy or unsafe drinking water. The discoloration of the filter or the "incredulously debris filled" water as you state, is more likely due to the age and condition of your service line not the quality of water produced at the City's water treatment plant or the water within the distribution system. The City would recommend that you replace your old, galvanized, water service with a new copper service. This would eliminate the buildup of scale that naturally occurs on old galvanized water services and greatly reduce, if not eliminate, the off colored filter or your issue with the discolored sheets. If you do choose to upgrade your portion of the water service the City would also upgrade the portion of your service from the main to the curb can/valve. There is a \$500.00 fee associated with this work.

I would agree with you that the asphalt drive surface and the curb/gutter on Alice Street are in need of repair/replacement. The current condition of the pavement on Alice Street is not a result of the winter freeze and therefore not something that would be upgraded

with emergency funding. The pavement has degraded over the years due to age, traffic flows and poor base material. City Staff is currently working on a long range infrastructure plan and Alice Street is being considered in that plan. Available funds and estimated construction costs will determine when this comprehensive rehab project will be scheduled. It would not be fiscally responsible to spend tax payer dollars to only repair the drive surface and the curb/gutter when the water mains and sanitary mains will need to be replaced in the near future. Therefore we plan to complete the entire, comprehensive, project at one time. Staff anticipates presenting the long range plan to Council sometime later this fall.

Debris on the streets, as you are aware Council passed a new ordinance this year that clearly defines what is acceptable to put at the curb for City staff to pick up and what is not acceptable. Staff is still in the educational phase of this program and has created a flyer that clearly depicts acceptable and not acceptable material. When staff comes across a pile or material that is not acceptable they inform the home owner and provide them with one of the flyers. To date staff feels the program is going very well, homeowners have understood when the program is explained to them and we feel that the amount of time piles are left at the curb has been greatly reduced. In general, we feel that the program is working as it should and the great majority of residents truly appreciate the program and do not want it changed. The very small pictures in your letter are difficult to clearly view, but in three of them there are pictures of tree branches that were placed at the curb in accordance with our ordinance. All three of those pictures with branches have leaves on the branches that have not even started to wilt; this would suggest that these piles had not been on the curb for three weeks, rather they had been placed there within a day or so.

As far as the ticket that was issued to you, I would suggest that you contact the Chief of Police, Gerard Doan, if you have additional questions or concerns.

Staff disagrees with your perception that residents on Alice Street are treated any differently than those living on the streets you mention or that they have "safer and cleaner" water to drink and use. Our water is tested at different locations all throughout the town and is consistent with regards to taste, odor (or lack thereof), clarity etc. All of the City supplied water is safe to drink. It is also incorrect to state that their yard waste is picked up any more frequently than any other section of town, nor is it accurate to claim that their roads or underground utilities have been repaired or upgraded at a faster pace than other sections of town. As stated previously, we are working on a long term infrastructure plan and when that is complete we will have a better estimate of when upgrades to Alice Street and other streets in Charlevoix will be completed.

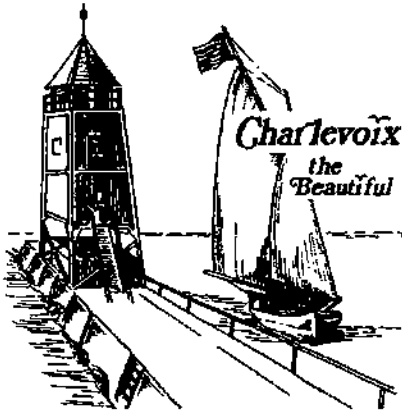
If you have any further questions, please do not hesitate to contact myself or other City staff regarding the concerns you bring up in your letter.

Sincerely



Patrick M. Elliott

cc: City Council, Mr. Mayor, Rob Straebel



CITY OF CHARLEVOIX
210 STATE ST. CHARLEVOIX, MICH. 49720

August 4, 2014

Mr. Kenneth Boss
203 Alice Street
Charlevoix, MI 49720

Hand Delivered-August 4, 2014

Dear Mr. Boss:

We have received a phone call from a concerned citizen regarding driveway improvements to your residence at 203 Alice Street. Any new driveway connections with City streets are required to be approved by City Staff. There also appears to be initial work on street right of way to pave a large portion in front of your house. Please be advised that the City does not approve of this work and mandates that you cease and desist from continuing with all work until this issue can be resolved. I am confident we can find a reasonable solution to this issue. Please call me at your earliest convenience and we can discuss.

Sincerely,

A handwritten signature in black ink that reads 'Rob Straebel'.

Rob Straebel
City Manager
547-3270

CC: Pat Elliott, Public Works Superintendent