

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, March 18, 2013 – 7:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

The meeting was called to order at 7:00 p.m. by Mayor Norman L. Carlson, Jr.

I. Pledge of Allegiance

II. Roll Call of Members Present

Mayor: Norman L. Carlson, Jr.
City Attorney: Bryan Graham
City Manager: Rob Straebel
City Clerk: Carol A. Ochs
Members Present: Council members Shane Cole, Lyle Gennett, Dennis Kusina, Jill Picha, Greg Stevens, Bryan Vollmer
Absent: None

III. Inquiry Regarding Possible Conflicts of Interest

None.

IV. Consent Agenda

The following items were approved and filed:

- A. Approval of Minutes – March 4, 2013 Regular Meeting Minutes
- B. Accounts Payable Check Register – March 19, 2013
- C. Tax Disbursement – March 6, 2013
- D. ACH Payments – March 4, 2013 – March 15, 2013
- E. Payroll Check Register – March 15, 2013
- F. Payroll Transmittal – March 15, 2013

- G. Planning Commission Resignation – Francis “Brownie” Flanders
Motion by Councilmember Lyle Gennett, seconded by Councilmember Shane Cole, to accept the resignation of Francis Flanders from the Planning Commission.

Yeas: Cole, Gennett, Kusina, Picha, Stevens, Vollmer
Nays: None
Absent: None

- H. Zoning Board of Appeals Resignation – Adam Whitley
Motion by Councilmember Dennis Kusina, seconded by Councilmember Bryan Vollmer, to accept the resignation of Adam Whitley from the Zoning Board of Appeals.

Yeas: Cole, Gennett, Kusina, Picha, Stevens, Vollmer
Nays: None
Absent: None

- I. Certificates of Appreciation to Nathan and Jonathon Lindfors – Eagle Scouts
The Mayor presented Nathan and Jonathon Lindfors with Certificates of Appreciation and thanked them for their work on their Eagle Scout projects. Nathan’s project was entrance benches at the Charlevoix Middle School. Jonathon’s project was construction and refurbishment of the Pine River Channel welcome signs.

V. Public Hearings

None.

VI. Reports

The City Manager commended the efforts of Attorneys Bryan Graham, Lori Luckett, Jim Young, and City Assessor Deb Chavez on the Chicago Club settlement agreement. Council had no objections to the settlement agreement.

VII. Requests, Petitions and Communications and Actions Thereon

A. Discussion Regarding Fireplace Proposal in East Park

The City Manager reviewed three options for Council’s consideration. At the concurrent meeting with the Planning Commission and the Downtown Development Authority there was strong support from the other two boards toward the new design. The three options would be: (1) not to construct the fireplace; (2) direct City staff to work with John Winn to construct THE original design; or (3) proceed with finalizing new design for plaza B. Staff does not recommend option (2). The revised design of option (3) would reduce estimated gas usage and costs by half.

The Mayor reviewed possible usage of the fireplace, stating that we may not know all the details of how it will be utilized until we are actually using it.

Councilmember Lyle Gennett stated that, in reference to option (3), he has talked to staff about a gift acceptance policy. He thinks this would be a good time to put a policy in place and put it to use. In the past, people have stepped up to give monetary gifts to the City that haven’t come full circle. If a policy is put in place, the monies will be there and we wouldn’t have to worry about it coming back on the taxpayers. A fund could be set up for the fireplace to pay for the gas expenses. He thinks staff could come up with something by April and be in place by the time the design comes back to Council.

The Mayor stated that, according to the City Attorney, this particular gift had been accepted August 9, 2012. However, the Mayor has no problem stipulating that the fireplace will need to be self-funding for usage. He is pretty confident people can come up with the funds. There is also a possibility of selling pavers to finance usage of the fireplace. The Mayor agrees there should be a policy, he believes staff is working on it, and it may be available for review at that same time as the consideration of the fireplace design. We couldn’t umbrella this particular project under the policy, but the Mayor does not object to the stipulation of self-funding the fueling of the fireplace.

Mayor opened the item to public comment at 7:13 p.m.

Jodi Bingham stated that she disagreed with the statement on p. 16 of Council’s packet stating there has been a consensus on the fireplace being built in the existing location. She stated the fireplace committee had been directed that the only option of locations

would be along Bridge Street. She doesn't believe the public has been given the option of what they would like to see there. She objects to the sale of etched pavers. She would be more than happy to entertain the idea of the fireplace if the City had a donation process that this project could go through. Ms. Bingham expressed concern that, if the City does not have a donation program, can the donor come back and sue the City if the fireplace is not functioning and is taken down in four years. Ms. Bingham stated there wasn't a full review on all possible locations. There were two public meetings where people showed up and said they don't want a fireplace. She thinks those people should be listened to.

Jeff Porter said that, according to the Mayor, the City accepted this gift in August. The gift has been totally changed; this is a totally different design than the gift given. The Mayor stated that Council does not need to reaccept the gift, they are modifying the decision from August 9. Mr. Porter asked if there was a written contract with the donor for this gift. There is not a contract; in August there was an outline of responsibilities for the donor and the City. Mr. Porter objected to the anonymity of the donor. Mr. Porter again questioned a contract. The Mayor stated that Council approved the donor's construction of the fireplace in the park. The donor's parties handled the hiring and contracting. The Charlevoix County Community Foundation has the money like with any other grant. The City has paid the bills so far, so that the contractors didn't have to wait because Council halted the project. There was some discussion over the wording on the plaque that would appear on the fireplace.

Birdie Whitley said that, if Council proceeds with the new design, she assumes the new version would be gas with a meter. She asked if the gas bill could be sent to the other anonymous donor directly. The Mayor stated that Todd Wyatt has offered to pay up to \$30,000 for the first five years of gas usage; it is not an anonymous gift. Mr. Wyatt has also offered to pick up additional costs to modify the design. The Manager clarified that staff will be bringing forward a gift acceptance policy, one of the tenants of which would be that any donation would be self-funded by private donations, not taxpayer-funded. The Manager views the fireplace as a luxury, not a necessity. If the community truly supports the fireplace, they should pay for the annual costs.

Anora O'Connor, General Manager of Castle Farms, spoke in support of the fireplace. About 50,000 people come to the Castle every year, and they love East Park. She thinks the fireplace will add to it.

Mary Eveleigh stated that, if the City moves forward with this project, there should be some environmental impact study since the new design would be lower to the ground. She also expressed concerns about safety with the highway department and concerns about accidents.

Madelyn Renaud questioned about Councilmember Cole's voting conflict of interest. The Attorney stated Councilmember Cole has the ability to vote as to whether there should be a fireplace and the design of the fireplace; he must recuse himself from the source of fuel, as his wife works for DTE. Ms. Renaud expressed frustration in her attempts to talk to Council members regarding the fireplace. Ms. Renaud expressed concern about the City not doing due diligence to keep the people safe, comparing the possible hazards of the fireplace to the 1997 fireworks accident.

Councilmember Gennett stated that the new design would come back to Council and staff and would be studied. If it comes back and it's not safe, Council will make a determination that it's not safe. Taking the next step tonight does not mean the fireplace is a done deal.

Dave Robinson said that the locust trees are ideal for city streets because they are resistant to exhaust fumes and have small leaves. Mr. Robinson asked about the second donation for the cost of the gas. He asked if there would be a stop order that when the donations stop, the taxpayers are protected from the cost of gas.

The Mayor again stated that Council could put in their motion tonight that the fireplace be self-funded for the operational costs.

Kirby Dipert said that it had been mentioned that there are a number of vacant storefronts downtown. There are possibly two unrented spots for the upcoming season. People are planning to operate businesses in the now-empty spots. Mr. Dipert stated that he views his competition, not as his fellow merchants downtown, but other cities such as Boyne City, Petoskey, Harbor Springs, Mackinaw City, and Traverse City. The fireplace would give downtown Charlevoix "one more club in the bag" – something that no one else has: a reason for people to stop in Charlevoix and spend some time. He likes the new design.

Bennie von Hellens said that we do compete with Boyne and others. They have a wonderful downhill ski facility that gives them an edge. Traverse City does VASA and cross-country skiing. Those communities do other activities and events that probably work better than a fireplace. Ms. von Hellens stated that the new design is a huge improvement, but it was mentioned that the plaza didn't work because of a lack of brick pavers. She thinks brick pavers would probably work better than the vines that were planted there. It does have a center access because of the stairway. She doesn't understand the problem of pedestrian flow. There was never a consideration of anything but a fireplace. If something is needed there, it should have been discussed what would work best there. She thinks Council is wrong in assuming it can always get donations.

Tina Campbell said that the park is beautiful. She thinks, every time she turns around, there is some other big project. She wonders if we are discriminating against people in this community who are having trouble making ends meet. She has a problem with wasted fuel; she thinks it is a step backwards. It is not environmentally friendly and into the future. She hopes it doesn't happen.

Jodi Laurent stated that she understands the buildings in the downtown area are rented out. However, for someone driving through on weekends, they stop and try the doors, and they are not open. This fire pit may bring more people into town during the shoulder seasons and the winter, but they're going to find a bunch of empty buildings. Ms. Laurent doesn't see how this is going to help. Ms. Laurent finds very few shops downtown that cater to her needs. Ms. Laurent is fine with downtown being more tourist-driven, but places need to be developed around it that are more citizen-friendly instead of being forced to go to other cities to shop.

Jen Vollmer commended Council for being educated people. She thinks they were voted into these positions to do a good job, and they have. This project was voted on in August, now it is March. Council has given multiple chances for people to be heard and Council should be commended for that. Ms. Vollmer stated that she has small kids and their family is downtown all the time. She does not think that Council would purposely put something downtown that would harm or be unsafe to children. She reminded Council that there are 3,000 people here year round. Many of those people are unfortunately not coming to voice their support or might not care one way or another, but Council still needs to keep them in mind. We need to move forward.

The Mayor closed the item to the audience at 7:55 p.m.

Motion by Councilmember Jill Picha, seconded by Councilmember Bryan Vollmer, to proceed with finalizing the new design for a fireplace in Plaza B, contingent upon the benefactor paying for future design costs and reimbursing the City for invoices paid for past

work on the fireplace in the amount of \$13,494, and City Council directs staff to approve Richard Hitz and Mark Buday to revise the design for the fireplace using the following design parameters:

- Use the current fireplace location;
- Incorporate an oval design;
- Minimize the height of the fireplace to protect Round Lake view sheds;
- Develop some form of seating around the fireplace;
- Strive for an energy-efficient fireplace;
- Optimize safety through appropriate design standards;
- Fireplace must be self-funded for operation and maintenance.

Yeas: Cole, Gennett, Kusina, Picha, Stevens, Vollmer
Nays: None
Absent: None

Councilmember Shane Cole stepped down from the dais.

Motion by Councilmember Bryan Vollmer, seconded by Councilmember Dennis Kusina, that the fireplace be fueled by natural gas.

Yeas: Gennett, Kusina, Picha, Stevens, Vollmer
Nays: None
Absent: None
Abstain: Cole

Councilmember Cole returned to the dais.

- B. Consideration to Approve a Support Letter for a Coastal Zone Management Grant Through the Charlevoix Conservation District
Kelly Martin, from the Charlevoix Conservation District, reviewed the item. The grant would be used to provide education on the identification and preservation of rare and endangered native plant species and best management practices.

The Mayor called for public comment. There were no comments. The Mayor closed public comment.

Motion by Councilmember Lyle Gennett, seconded by Councilmember Jill Picha, to direct staff to submit a letter of support for the Charlevoix Conservation District's Coastal Zone Management Grant.

Yeas: Cole, Gennett, Kusina, Picha, Stevens, Vollmer
Nays: None
Absent: None

- C. Consideration to Approve a License Agreement and Bill of Sale for Telecommunications Tower at Mt. McSauba
City Manager Rob Straebel was available to review the item and answer questions from Council. This would allow the City to purchase a tower on Mt. McSauba currently owned by Cheboygan-Otsego-Presque Isle Intermediate School District Board of Education (COPESD) for the amount of \$2,500.

The Mayor called for public comment. There were no comments. The Mayor closed public comment.

Motion by Councilmember Lyle Gennett, seconded by Councilmember Shane Cole, to approve the Tower Bill of Sale and Telecommunications Site Access License Agreement with COPESD.

Yeas: Cole, Gennett, Kusina, Picha, Stevens, Vollmer
Nays: None
Absent: None

- D. Consideration of Renewing the Lease to WCCW for Mt. McSauba Tower Space
City Manager Rob Straebel was available to review the item and answer questions from Council. WCCW would like to continue leasing the tower and is requesting a five-year renewal. The revenue from the lease goes to offset some of the groomer debt.

The Mayor opened the item to public comment. There were no comments. The Mayor closed the item to public comment.

Motion by Councilmember Dennis Kusina, seconded by Councilmember Bryan Vollmer, to approve the Telecommunication Site Access License Agreement with WCCW Radio, Inc.

Yeas: Cole, Gennett, Kusina, Picha, Stevens, Vollmer
Nays: None
Absent: None

VIII. Introduction and Initial Actions Relating to Ordinances or to Resolutions That Require Publication or Hearings Prior to Final or Further Action

None.

IX. Resolutions

None.

X. Ordinances

None.

XI. Miscellaneous Business

Councilmember Bryan Vollmer asked the Manager to pass along appreciation to the staff at Mt. McSauba for an excellent season. Other Council members agreed.

XII. Audience - Non-agenda Input (written requests take precedent)

Mary Eveleigh asked that, since the fireplace project is moving forward, if Mr. Buday would be presenting the design to the Planning Commission for safety and environmental issues before coming to Council. The Mayor said the presentation would come back to Council.

Council has already received input from the DDA and the Planning Commission

XIII. Adjourn

The Mayor stated if there were no objections, the meeting would adjourn.
 There were no objections.
 Meeting adjourned at 8:17 p.m.

Carol A. Ochs City Clerk Norman L. Carlson, Jr. Mayor

Accounts Payable – 03/19/2013

ACE HARDWARE	891.87	MASLOWSKY, JULIE	50.00
AIRGAS USA LLC	798.82	MAY, VERNESSA	10.00
ALL-PHASE ELECTRIC SUPPLY CO.	1,217.70	MICHIGAN OFFICEWAYS INC	1,259.67
AMERICAN WASTE INC.	65.00	MID STATES BOLT & SCREW CO	254.24
AUTO VALUE	1,196.51	MISS DIG SYSTEM INC	60.54
AVFUEL CORPORATION	30.49	MUNICIPAL SUPPLY CO	1,370.94
B & L SOUND INC	67.98	NETSOURCE ONE INC.	1,260.00
BCBS REFUND DEPT.	356.93	NFPA	165.00
BRADFORD'S	55.25	NORTH AMERICAN SALT CO	6,322.33
BROWN MOTORS	1,853.50	NORTHERN FIRE & SAFETY INC.	768.00
CARQUEST OF CHARLEVOIX	1,178.47	NORTHERN MICHIGAN JANITORIAL	193.60
CCP INDUSTRIES INC	268.93	NORTHERN MICHIGAN REVIEW INC.	1,172.75
CHARLEVOIX AGENCY	594.34	PARASTAR INC.	1,023.15
CHARLEVOIX CAR WASH	23.40	PERFORMANCE ENGINEERS INC	3,529.75
CHARLEVOIX DISTRICT LIBRARY	159.98	PHILLIPS, HELEN	121.73
CHARLEVOIX GLASS INC.	155.00	PHYSIO-CONTROL INC.	360.00
CHARTER COMMUNICATIONS	1,154.46	PLUNKETT & COONEY	120.00
CITY OF CHARLEVOIX - UTILITIES	31,464.08	POWER LINE SUPPLY	70.80
CRYSTAL FLASH ENERGY	1,900.62	PRO WEB MARKETING	40.00
DELL, MERNA	87.82	PROSTAR BATTERIES INC	241.30
DITCH WITCH SALES OF MICHIGAN	7,556.40	PRS/ENVIRONMENTAL	1,870.00
DOUGLASS SAFETY SYSTEMS LLC	80.65	RADISSON HOTEL LANSING	573.32
DTE ENERGY	14,312.50	RS TECHNICAL SERVICES	316.14
EJ USA INC.	154.00	SCHMUCKAL OIL CO	62.90
ELLIOTT, PATRICK M.	75.70	SEARS COMMERCIAL ONE	89.99
FERGUSON & CHAMBERLAIN	1,000.00	SEELEY'S PRINTING SERVICE	240.00
FISHER SCIENTIFIC	1,221.34	STATE INSTALLATION & SERVICE	151.75
GIBSON, SHIRLEY	67.38	STATE OF MICHIGAN	200.00
GRAND TRAVERSE GARAGE DOOR	802.26	SUNRISE ELECTRONICS & SECURITY	200.00
GRÜLER'S FARM SUPPLY INC	323.40	SYN-TECH SYSTEMS INC.	39.02
HACH COMPANY	601.38	US BANK	102,197.50
HARBOR STEEL & SUPPLY CORP	64.00	VERIBANC INC.	396.00
HYDRO DESIGNS INC.	515.00	WELLER, LINDA	15.82
INDEPENDENT DRAFTING SERVICES	1,824.00	WILKIN, AMANDA	41.00
J. THOMAS DISTRIBUTORS LLC	71.32	WOODY, SCOTT	594.38
KORTHASE FLINN	35.00	ZOLL MEDICAL CORPORATION	1,692.34
LAKESHORE TIRE & AUTO SERVICE	12.50		
LAMB, GINA	63.19	TOTAL	199,375.13

Accounts Payable – 03/06/2013

Tax Disbursements

CHARLEVOIX COUNTY TREASURER	7,301.72	CHARLEVOIX PUBLIC SCHOOLS	420.20
CHARLEVOIX COUNTY TREASURER	21.03	CHARLEVOIX PUBLIC SCHOOLS	28.57
CHARLEVOIX DISTRICT LIBRARY	1,039.41	CITY OF CHARLEVOIX - TAXES DUE	6,318.07
CHARLEVOIX PUBLIC SCHOOLS	7,311.65	RECREATIONAL AUTHORITY	186.97
CHARLEVOIX PUBLIC SCHOOLS	838.37	TOTAL 3/6/2013	23,465.99

ACH Payments – 03/04/2013 – 03/15/2013

MI PUBLIC POWER AGENCY	20,581.83	VANTAGEPOINT (457 ICMA PLAN)	12,225.80
MI PUBLIC POWER AGENCY	23,671.21	VANTAGEPOINT (4017 ICMA PLAN)	713.78
IRS (PAYROLL TAX DEPOSIT)	30,144.62	TOTAL	87,337.24

PAYROLL: NET PAY

Pay Period Ending 03/09/2013 – Paid 03/15/2013

WELLER, LINDA JO	1,295.29	BRODIN, WILLIAM C.	1,429.09
STRAEBEL, ROBERT J.	1,986.92	RILEY, DENISE M.	333.34
BRANDI, RICHARD M.	1,709.30	WURST, RANDALL W.	1,352.26
LOY, EVELYN R.	976.99	MAYER, SHELLEY L.	1,276.06
KLOOSTER, ALIDA K.	1,138.16	HILLING, NICHOLAS A.	1,269.26
BROWN, STEPHANIE C.	1,194.57	MEIER III, CHARLES A.	1,616.69
OCHS, CAROL A.	887.27	NISWANDER, JOSEPH F.	1,225.45
CAREY, KEITH V.	1,132.45	FRYE, EDWARD J.	966.85
SPENCER, MICHAEL D.	1,488.86	JONES, TERRI L.	832.87
SPENCLEY, PATRICIA L.	997.04	EATON, BRAD A.	1,595.65
NASH, JENNIFER B.	580.72	WILSON, TIMOTHY J.	1,885.82
PANOFF, ZACHARY R.	702.10	LAVOIE, RICHARD L.	1,199.73
DOAN, GERARD P.	1,212.68	STEVENS, BRANDON C.	1,247.39
SHRIFT, PETER R.	1,068.09	DRAVES, MARTIN J.	1,761.26
SCHLAPPI, JAMES L.	1,147.33	ELLIOTT, PATRICK M.	1,498.92
UMULIS, MATTHEW T.	1,359.22	WELLS JR., DONALD E.	1,221.82
ORBAN, BARBARA K.	1,202.49	BRADLEY, KELLY R.	1,394.39
TRAEGER, JASON A.	1,227.84	WILSON, RICHARD J.	1,191.72
WARNER, JANINE M.	965.96	JONES, ROBERT F.	1,191.87
IVAN, PAUL M.	1,660.25	DORAN, JUSTIN J.	1,197.78
SCHWARTZFISHER, JOSEPH	898.49	WASHBURNE, MICHAEL J.	270.76
ROLOFF, ROBERT P.	2,347.58	MURPHY IV, MICHAEL J.	149.04

BEHAN, HALEY C.	195.90	HODGE, MICHAEL J.	1,060.28
RAMSEY, MADISON L.	78.74	JOHNSON, STEVEN P.	1,122.08
BERTINELLI, DAVID P.	490.74	BOSS JR, DALE E.	1,112.75
WITTHOEFT, MARVIN J.	277.05	BOSS, JAMES W.	918.57
HEID, THOMAS J	1,239.11	STEBE JR, JOHN M.	501.58
WOODY, SCOTT R.	1,494.56	BOSS, SHERRY M.	335.29
DVORACEK, DANA J.	1,134.82	BEHAN, DEAN T.	350.12
TOUGH, KENDALL J.	498.54	SCAFIDI, DAVID J.	548.43
RAMSEY, KYLE J.	125.60	STEBE, CATHERINE M.	344.32
RILEY, CASEY W.	120.05	STEVENS, RODNEY M.	383.23
THORMAN, MIKAYLA R.	434.05	HOLM, ARTHUR R.	266.33
JONES, LARRY M.	236.22	HAND, HEATHER K.	961.26
OCHS, THOMAS F	41.56	SCHNEIDER, DENNIS R.	529.31
TRAVERS, MANUEL J.	151.99	STEVENS, JEFFREY W.	426.73
SILVA, JESSE L.	149.35	ROLOFF, AUDREY M.	984.49
RILEY, DANIEL	650.00	MATTER, DAWSON K.	880.44
WHITLEY, ADAM	112.71	MARSH JR., JAMES D.	54.95
SCHOOF, WILLIAM R.	459.49	RILEY, TIMOTHY	222.18
HANKINS, SCOTT A.	1,414.96	MCCRANEY, RUSS R.	39.65
COPPOCK, TIMOTHY M.	1,167.01	SCOTT JR., WINFIELD	52.86
BLANCHARD, SCOTT W.	1,749.55	KITELEY, FISHER L.	61.66
SWEM, DONALD L.	1,588.83	BERGMANN, DOUGLAS M.	112.32
WHITLEY, ANDREW T.	1,176.16		
MORRISON, KEVIN P.	1,183.92	TOTAL	80,727.36

PAYROLL: TRANSMITTAL
03/15/2013

AMERICAN FAMILY LIFE	402.61	MERS	390.00
CHAR EM UNITED WAY	98.54	MI STATE DISBURSEMENT	596.19
CHARLEVOIX STATE BANK	960.39	NORTHWESTERN BANK	300.00
COMMUNICATION WORKERS	530.72	PRIORITY HEALTH	703.47
INDIANA STATE	80.00	TOTAL	4,061.92