

CITY OF CHARLEVOIX
SPECIAL CITY COUNCIL WORK SESSION MINUTES
Monday, April 22, 2012-2013 — 6:00 p.m.
408 Bridge Street [East Park, Plaza B], Charlevoix, MI

The meeting was called to order at 6:00 p.m. by Mayor Norman L. Carlson, Jr.

I. Pledge of Allegiance

II. Roll Call of Members Present

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

III. Inquiry Regarding Possible Conflicts of Interest

None.

IV. Requests, Petitions, and Communication and Actions Thereon

A. Tour of Fireplace Site

City Council met at Plaza B and East Park. Richard Hitz and Mayor Carlson reviewed the dimensions of the fireplace and answered questions regarding them.

V. Audience Input (Written Requests Take Precedence)

The Mayor called for public comment. The Clerk and the Mayor advised that, unless members of the public had specific questions that needed to be addressed on site, comments would be best stated and documented during the meeting portion back at City Hall. Some questions were answered regarding the physical site.

VI. Adjourn

Mayor Carlson adjourned the work session at 6:07 p.m. to relocate to Council Chambers at City Hall.

CITY OF CHARLEVOIX
SPECIAL CITY COUNCIL MEETING MINUTES
Monday, April 22, 2012-2013 — 6:16 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

The meeting was called to order at 6:16 p.m. by Mayor Norman L. Carlson, Jr.

I. Pledge of Allegiance

II. Roll Call of Members Present

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

III. Inquiry Regarding Possible Conflicts of Interest

None.

IV. Informational Public Hearing

A. Consideration to Approve Fireplace Design and Fireplace Donation Agreement with John Winn

The Mayor stated that Council was meeting to hold an informational public hearing, consider approval for a fireplace design to replace the current fireplace, and to consider a donor agreement with John Winn.

The Mayor opened the floor to the public at 6:19 p.m. for any comments about the work session work site visit.

Jodi Laurent expressed concerns about the plaza's ability to accommodate a lot of people without interrupting the flow.

There were no additional comments at this time. The Mayor closed the floor the public at 6:20 p.m.

Richard Hitz gave a modified/enhanced PowerPoint presentation regarding the fireplace design that had been presented at the April 15 meeting. Mr. Hitz and Architect Mark Buday are not asking for Council to make a final decision tonight, but are asking for direction to work on the sculptural part of the project and to discuss the parameters of going forward. Mr. Hitz provided the Council with some options to look at, such as a flat top or a recess top for the sculpture. Mr. Hitz also discussed sculpture options and safety concerns. Mr. Hitz hopes to make something that is dynamic and warming to people, but does not invite someone to hurt themselves in it. He has looked at the screening options, but this is not an attractive option when not lit. Mr. Hitz has been working with manufactures to try and develop a sculptural piece that would serve the same function as a screen, yet be more attractive. Going forward, all the construction documents will be to all the codes and standards at the minimum, but they want to go beyond the minimums. They made a site visit to the Crooked River Lodge, which has a similar structure, and took temperature readings from different locations in and around the fire. Mr. Hitz reviewed that information as well as the Lodge's operational information for Council and answered questions from Council. Mr. Hitz reviewed proposed design parameters for the fire element.

Project Architect Mark Buday stated that they have now presented the conclusion of design development, where all the main systems and elements of the project have been described. The construction document phase is where the entire assembly is specified in detail and provided to Council for input. One of these elements will include sculpture selection. Mr. Buday reviewed the permit process, the need for design specifications, and manufacturer standards. They intend to apply the strictest standards and are asking to move forward to the construction document phase to provide a set of biddable documents and specifications.

The Mayor opened the informational public hearing at 6:38 p.m.

Gabe Campbell thinks Council should wait until after the election and that there are a lot of unanswered questions. Mr. Campbell stated that anyone who supported this now would be liable for recall.

Cheryl Graham expressed concerns about safety during crowded conditions.

Nancy Porter expressed concerns about safety, especially with children, and the need for liability insurance.

Dave Robinson expressed concerns about the safety of the design in a public access open space, and concerns about safety for children and older people.

Bob Bergmann expressed concerns about the safety of the benches if someone runs into them.

Vicki Voisin said that the Crooked River Inn is not comparable because it is private property; the number of people that would be gathered around the fireplace is not comparable.

John Campbell asked for some clarifications regarding the Crooked River Fireplace and spoke about design standards for fireplaces. Mr. Campbell is also concerned about someone getting burned when the fire automatically starts.

Mr. Hitz was asked to address some of the audience questions. Mr. Hitz explained that they are not looking for a ye or nay final selection of the fire feature itself: They are looking for approval of the concept and design of the benches and the platform. They are planning on presenting to the City Council a number of options with varying degrees of safety levels, as well as standards and insurance information. Mr. Hitz stated that there are similar solid, immovable benches without backs in the park. He is not aware of there being problems with those benches, but if there has been a problem, he would like to know. Regarding operations, the City will need to decide what type of start it will use; perhaps a manual turn on with an automatic turn off. There will also be a safety shutoff within 10 feet of the fire. Mr. Hitz answered some other questions about design parameters. Regarding falling into the pit, most of the designs so far show a structure where people could fall onto, but not into, which is a big difference. Mr. Hitz said the biggest concern is to ensure there is not a situation where someone could get caught and trapped on the structure.

Mr. Bergmann asked about the other permanent benches. They are located down by the harbor. Mr. Bergmann doesn't think it's as concentrated down there as it is by the sidewalks.

The Mayor closed the hearing at 6: 54 p.m.

The Mayor briefly reviewed the project so far. Council is being asked to consider approving the modification from the original fireplace approved in August, which no one wants, and continue on. Council at this time would not consider a donor agreement, as the final design and costs are not known that would be needed for such an agreement. The guidelines have been set forth. Mr. Hitz is still working on the sculpture piece, which may require some additional funds, of which Council would want a guarantee of funding through private donation. The Mayor thinks staff is going to recommend the modification of the design and not enter into an agreement with the donor until we have exact costs. This is the next stage of the process. It is not the go ahead for starting construction. It will take a couple of weeks for construction documents to be completed, and they would need to come to Council for approval.

The Manager agreed with the Mayor's summary and presented a possible motion for Council to move forward with the project.

Councilmember Greg Stevens stated that his understanding is that there has been an unsupervised fire pit at the top of the ski hill for years and no one has been hurt. The Mayor pointed out that there is also a fire feature inside. Ms. Picha stated that there is one at the skating rink as well.

Councilmember Lyle Gennett thinks it is in the best interest of the Council to wait until after the election.

The Mayor said they are not attempting to sidestep the election. They are being asked to modify a plan that nobody wants, and continue on to the design phase so that something may or may not be done after the election. There will be no construction.

Councilmember Bryan Vollmer asked if having them proceed with construction documents was a good idea without a finalized decision on the sculptural element. He thinks that is the most crucial piece.

Mr. Hitz explained that there is a lot of confusion between construction documents and a final product. He analogized the process to building a house. You have an original design, now you are at the stage where you need to know what kind of cabinets you want. This is similar, only it's a really important cabinet. There are certain mechanical, aesthetic, and safety concerns. The architects want to bring options back to Council to look at all the details and make choices. The project will not move much further along until they can present Council with these documents and get some additional decisions from them. The motion being requested tonight does not bind Council to anything except to look at these options in the future.

Motion by Councilmember Shane Cole, seconded by Councilmember Greg Stevens, to direct Richard Hitz to proceed with the construction and design documents and finalize the sculpture screening options for Council's future selection.

Yeas: Kusina, Picha, Stevens, Vollmer

Nays: Gennett

Absent: Cole

V. Audience Input (Non-agenda)

The Mayor called for non-agenda public comment.

Jodi Bingham asked if the City was paying Mr. Hitz and Mr. Buday. The Mayor said that right now they haven't billed anything and any charges will be covered under the donor's agreement. The City is not currently responsible for the time, but may be if the project does not move forward.

Cheryl Graham expressed concerns about insurance. The Mayor stated that would be information needed from the Treasurer, but the insurance requirements would probably not be a lot different than the other things we do under the City's general policy, such as the water fountain.

There were no additional comments. The Mayor closed public comment.

VI. Adjourn

The Mayor stated if there were no objections, the meeting would adjourn.
There were no objections.
Meeting adjourned at 7:10 p.m.

Carol A. Ochs

City Clerk

Norman L. Carlson, Jr.

Mayor