

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, November 19, 2012 – 7:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

Council Members Stevens, Gennett, and Kusina were sworn in prior to the Call to Order.
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 Greg Stevens, Bryan Vollmer, Shane Cole, Lyle Gennett, Dennis Kusina, Jill Picha
Absent: None

III. Inquiry Regarding Possible Conflicts of Interest

Councilmember Shane Cole will abstain from the fireplace discussion, as his wife works for DTE.

IV. Consent Agenda

The following items were approved and filed:

- A. Approval of Minutes – November 5, 2012 Regular Meeting Minutes
 - B. Accounts Payable Check Register – November 20, 2012
 - C. Tax Disbursement – November 20, 2012
 - D. ACH Payments – November 2, 2012 – November 13, 2012
 - E. Payroll Check Register – November 9, 2012
 - F. Payroll Transmittal – November 9, 2012
 - G. Mayoral Proclamation – Toys for Tots Week
- The Mayor read the Proclamation declaring December 2-8, 2012 as Toys for Tots week in Charlevoix.

V. Public Hearings

None.

VI. Reports

None.

VII. Requests, Petitions and Communications and Actions Thereon

- A. Discussion Regarding Community Fireplace
Councilmember Shane Cole stepped down from the dais.

The Mayor stated that architect Mark Buday had notified the City that he was ready to meet with Council. Mr. Buday was scheduled to appear on this meeting's agenda in order to work with the Council that was in place after the election. Mr. Buday does not have any suggestions at this point and no final decision will be made at this time. Mr. Buday has a proposal on how he would like to structure this process, which is what will be discussed this evening.

The Mayor reviewed the history of the fireplace and the Council's options. Council had approved the fireplace and has now halted construction on it to look at various options and modifications that may or may not happen. Council's options are: (1) to continue construction on the fireplace with any Council-approved changes or modifications; (2) to follow Mr. Buday's recommendations, whether it be regarding size, location, or whether the fireplace fits in the park.

Any recommendations brought to Council by Mr. Buday will be presented at a joint meeting with City Council, the DDA, and the Planning Commission. Council will act on any recommendations. Mr. Buday would like to follow a similar procedure as some other City projects by forming a steering committee made up of a diverse group of community members. The steering committee would provide guidance to Mr. Buday, who would bring a recommendation to Council.

The Mayor reviewed the parameters on the current fireplace. Different suggestions have been made for use of the money. The donor did not donate money to the City for use at its discretion. The money has been donated for a fireplace. Currently \$13,900 has been invested in the project. If the fireplace is to be moved to another location, that amount of money would be needed to duplicate the stage the project is at. Council would need to have an idea where those funds would come from and how they would proceed. Council's intention was to listen to all options. If the final decision is not to have a fireplace, there would be an additional cost of \$1,500, making the total \$15,400, because the log set would need to be returned and restocked.

The Mayor said the purpose of tonight's meeting is not to listen to people's likes or dislikes, and that there are several groups that appear to be set on what they want. He will form a Mayoral Steering Committee, which anyone may apply to be on. It will not be made up of people who are only for or against the fireplace. Mr. Buday wants a cross-section of all the different factions. The Mayor said that a significant time commitment would be necessary for this committee over the next couple of months, as the tentative plan would be for the committee to meet every two weeks. People interested in serving on the committee could either contact him directly or contact City Hall. The Mayor thinks the Steering Committee will be the most effective use of Mr. Buday's volunteered time. The Mayor assured the audience that, at the final item presentation, people will be able to comment on the recommendation.

Ken Polakowski read a summary from the Landscape Architecture Forum meetings. A copy of the summary will be filed with the agenda packet. The general consensus of those attending the forum was that there should be no fireplace in East Park and possibly none at all in the City of Charlevoix. The summary indicates that pledges have been made to cover the costs of removing the fireplace and proposed alternative uses to complete removal.

The Mayor stated that he had also been approached about taking the item to a vote of the people. The City Attorney has advised us that it is not possible for Council to put an advisory vote on the ballot. Upon questioning from the audience disagreeing with this opinion, it was explained that the previous action regarding the park had involved an ordinance and was placed on the ballot; this item does not involve an ordinance.

The Mayor called for public comment at 7:20 p.m.

The Mayor answered various questions from speakers in the audience:

- The committee is not necessarily limited to five people, but he would like to stay around that number as that is a good size for this type of committee.
- Council is not bound by the decisions of the committee. It is a recommending committee, just as all the other committees and commissions. However, he stated that Council wouldn't have come this far if they hadn't planned on considering the recommendation; they would've just let the fireplace be built as is.
- The donor is willing to listen to other options for locations, size, and modifications. However, the gift is a fireplace and he would prefer it to be in East Park.
- Third ward Councilmember Shane Cole has abstained up to this point due to the fact his wife works for DTE and there had been remarks suggesting impropriety. The City Attorney will research this conflict and if Mr. Cole is able to participate in discussions and vote, he will do so.
- The Mayor is looking for people to serve on the Steering Committee who have been involved from the beginning, are familiar with the project, and open to working with a cross-section of the community.

The Mayor reviewed that the Council and City Attorney's opinion is that this item did not have to go in front of the Planning Commission. However, Council intends to put the final recommendation in front of the Planning Commission because that was a concern voiced by the people in one of the previous meetings.

The Mayor closed the item to public comment at 7:27 p.m.

The Mayor called a short recess so that people who wished to leave could do so.

Councilmember Cole returned to the dais.

Council reconvened at 7:30 p.m.

B. Consideration to Approve Alternate Alignment for Lake to Lake Trail

City Manager Rob Straebel reviewed the project for Council. The City of Charlevoix has been awarded a \$288,000 grant for work on the trail. Originally, the trail was going to run through an easement on the St. Mary Cement Company's property under a 10 or 20 year lease agreement. However, now MDOT wants the easement to be dedicated "in perpetuity," which St. Mary's is uncomfortable with. The Manager presented an alternate route through public property in order to proceed with the project and not lose the grant money. There will be extra engineering costs of \$31,500, which the Manager hopes to split with Charlevoix Township. There is a possibility that a lease can be negotiated with St. Mary's and construction funded locally for the original route sometime in the future. The Manager answered various questions regarding use and construction of the trail. Councilmember Stevens stated that, in his experience with working at the State Park, they get a lot of queries about how to get into town on a bicycle and a lot of people want to get to the trail going north to Petoskey; this trail will be well used.

The Mayor called for public comment.

Art Nash asked if the St. Mary's easement trail was more desirable. The Manager agreed that it would be. Mr. Nash questioned the decision to spend money on our second choice. He also questioned, once this trail is in place, if the City would really want to spend additional money for the other trail in the future. The Manager said the trail itself will be well utilized.

Motion by Councilmember Greg Stevens, seconded by Councilmember Lyle Gennett, to approve paying 50% of extra engineering costs of \$15,750 [City share, total cost \$31,500] for the realignment of the Lake to Lake Trail contingent upon Charlevoix Township's approval of paying the same amount.

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

C. Consideration to Approve Revisions to the Employee Handbook

City Manager Rob Straebel reviewed the item and answered questions from Council. The revised handbook has been reviewed by the department heads as well as union and non-union employees, who provided good feedback and input. The handbook is for all employees; if a contract does not specifically address the issue, we would refer to the handbook. The Manager thanked Human Resource Assistant Jennifer Nash for her work on this project.

Motion by Councilmember Dennis Kusina, seconded by Councilmember Jill Picha, to approve the revised City of Charlevoix Employee Handbook, as outlined on pp. 37-84 of the packet.

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

D. Approval of Job Descriptions

City Manager Rob Straebel reviewed the job descriptions. The job descriptions are for: Superintendent WTP/WWTP, DDA Executive Director; Executive Assistant; Utility Billing Clerk, Human Resource Assistant, Department Administrative Assistant. Council made an amendment to the Executive Assistant description, changing "Acting City Manager in absence of City Manager and Treasurer" by adding "when designated by the City Manager."

Motion by Councilmember Shane Cole, seconded by Councilmember Greg Stevens, to adopt the six job descriptions on pp. 85-98 of the packet, as amended.

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

E. Organizational Items

1. Meeting times/days

Council agreed to continue to meet on the first and third Monday of each month at 7:00 p.m.

2. Appointment of Deputy Mayor

Motion by Councilmember Shane Cole, seconded by Councilmember Dennis Kusina, to reappoint Councilmember Jill Picha as Deputy Mayor.

Yeas: Stevens, Vollmer, Cole, Gennett, Kusina, Picha

Nays: None
Absent: None

F. Appointments

Motion by Councilmember Lyle Gennett, seconded by Councilmember Jill Picha, to reappoint Bob Timms to the Board of Review.

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

Motion by Councilmember Jill Picha, seconded by Councilmember Shane Cole, to reappoint Hans Wiemer and Jeannine Wallace to the Historic District Commission.

Yeas: Stevens, Vollmer, Cole, Gennett, Kusina, Picha
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

The Mayor said that he will be heading a committee to raise funds for a fallen soldier memorial for Maj. Doug Sloan, who was killed in Afghanistan October 31, 2006, and he wanted Council to be aware if they hear about it. He reviewed what the bronze memorial looks like. He also informed Council that he was considering the possible locations of either near the football field or Veterans' Park. The Mayor will talk to the VFW and American Legion about their opinions of locating it in Veterans' Park, if that is the desired location, before bringing it back to Council. Council had no objections to the possibility of the memorial being located in Veterans' Park.

Art Nash stated he thought it was a great idea, but queried if this was considered as Council approval tonight. It is not. Council has not objected to the idea of it, the Mayor was making sure Council was aware of it when they heard about the fundraising, and that the final location has not been determined. The location may not be on City property.

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

Bob Timms asked about the various metal structures around town. Mr. Timms was informed that these were part of the "Art in Public Place" display sponsored by the Sauve Foundation. The City is not paying for them.

XIII. Adjourn

The Mayor stated if there were no objections, the meeting would adjourn.
There were no objections.
Meeting adjourned at 8:23 p.m.

Carol A. Ochs	City Clerk	Norman L. Carlson, Jr.	Mayor
Accounts Payable - 11/20/2012			
ACCESS LOCKSMITHING INC	95.00	CITY OF CHARLEVOIX - UTILITIES	28,881.77
ACE HARDWARE	2,493.84	DELTA COLLEGE PUBLIC SAFETY &	450.00
ALLMAKE BROADCOM	582.00	EJ USA INC.	711.75
ALL-PHASE ELECTRIC SUPPLY CO.	1,260.00	ELLSWORTH FARMER'S EXCHANGE	192.13
AMERICAN SAFETY	352.00	FASTENAL COMPANY	129.31
AMERICAN SAFETY UTILITY CORP	22.15	FIDLAR TECHNOLOGIES	350.60
AMERICAN WASTE INC.	2,235.40	FISHER SCIENTIFIC	639.16
APOLLO FIRE	910.59	FOX CHARLEVOIX	682.32
APOLLO FIRE EQUIPMENT	80.08	FOX CHARLEVOIX FORD	77.02
ARROW UNIFORM-TAYLOR L.L.C.	1,069.71	GBS INC.	189.98
AT&T	5,599.59	GRAINGER	8.11
ATHEY, AMANDA	136.89	HACH COMPANY	333.16
AUTO VALUE	544.75	HARRELL'S	1,076.25
AVFUEL CORPORATION	31,719.28	HEERES EXCAVATING INC.	270.00
B & L SOUND INC	27.99	HEID, THOMAS J.	94.39
BARTLETTS' HOME INTERIORS	2,138.40	HOLIDAY COMPANIES	8,757.10
BARUZZINI GENERAL CONTRACTORS	2,225.00	HOLIDAY LIGHTING SERVICES INC.	4,137.50
BJ'S RENTALS	1,715.00	HOLM, CHEYENNE	15.43
BLARNEY CASTLE OIL CO	1,505.00	HOXIE, DAVID S.	600.00
BLUETARP FINANCIAL	39.99	ICMA-MEMBERSHIP RENEWAL	835.00
BS&A SOFTWARE	1,070.00	IDEXX DISTRIBUTION INC.	1,113.73
BULBS.COM	179.70	INDEPENDENT DRAFTING SERVICES	480.00
CARDINAL CARPET CLEANING	50.00	ISLAND AIRWAYS	188.00
CAREY, KEITH	53.31	J & B MEDICAL SUPPLY INC.	109.23
CARQUEST OF CHARLEVOIX	1,606.87	J & S PORTABLE RESTROOMS	204.00
CCP INDUSTRIES INC	266.00	KEEP CHARLEVOIX BEAUTIFUL	290.00
CENTRAL DRUG STORE	110.22	KMart	14.05
CHARLEVOIX CAR WASH	32.40	KORTHASE FLINN	2,147.46
CHARLEVOIX COUNTY FIRE	1,540.00	KSS ENTERPRISES	668.12
CHARLEVOIX COUNTY TREASURER	5,032.14	LANDSCAPE FORMS INC.	1,946.00
CHARLEVOIX GLASS INC.	179.82	LARK LAWN & GARDEN INC	1,949.94
CHARTER COMMUNICATIONS	961.28	LAVOIE, RICHARD	11.75
CINTAS FAS LOCKBOX 636525	113.75	MCMaster-CARR	94.74

MDC CONTRACTING LLC	162.75	REHMANN-ROBSON & CO	5,000.00
MEADOWBROOK INSURANCE GROUP	612.50	ROLOFF, ROBERT	300.00
MICHIGAN CAT	33.00	SCHWARTZFISHER, JOSEPH	59.95
MICHIGAN DOWNTOWN ASSOCIATION	500.00	SCIENTIFIC BRAKE & EQUIP CO	282.23
MICHIGAN ELECTION RESOURCES	29.98	SEARS COMMERCIAL ONE	9.99
MICHIGAN MUNICIPAL LEAGUE	3,027.00	SEELEY'S PRINTING SERVICE	323.00
MICHIGAN OFFICEWAYS INC	849.64	SHORELINE POWER SERVICES INC.	153.25
MICHIGAN STATE FIREMEN'S ASSN	75.00	STATE OF MICHIGAN	1,230.09
MICHIGAN WATER ENV ASSOC	58.00	STEVENS, BRANDON	9.01
MURRAY'S CREATIONS	38.00	STEVENS, JEFF	72.33
NORTHERN CREDIT BUREAU	288.17	STRAEBEL, ROBERT J.	314.13
NORTHERN MICHIGAN JANITORIAL	86.85	SUNRISE ELECTRONICS & SECURITY	186.45
NORTHERN MICHIGAN REVIEW INC.	794.57	SUPERIOR MECHANICAL	727.95
OLESON'S FOOD STORES	101.28	SYSCO GRAND RAPIDS	128.80
OLESON'S FOOD STORES	7,929.20	TOTH III, GEORGE	100.00
ORBAN, BARBARA	250.00	TRAVERSE CITY STATE BANK	87.94
OTEC	66.60	TURFGRASS INC	1,518.00
PERFORMANCE ENGINEERS INC	2,145.50	U S BANK	112.50
PETOSKEY BAND BOOSTERS	750.00	UP NORTH PROPERTY SERVICES LLC	2,443.00
PLUNKETT & COONEY	260.00	USA BLUE BOOK	286.02
POLLUTION CONTROL SERVICES INC	500.00	VILLAGE GRAPHICS INC.	492.00
POSTMASTER - CHARLEVOIX	4,000.00	VILLAGER PUB, THE	225.57
POWER LINE SUPPLY	6,384.34	WENZEL, PEGGY	56.54
POWERPLAN	734.98	WHITLEY, ANDREW	14.00
QUILL CORP	13.74	WORK & PLAY SHOP	136.69
R & R FIRE TRUCK REPAIR	4,631.13	TOTAL	172,187.82

Accounts Payable – 11/20/2012

Tax Disbursements

ALESSI, KEITH & VALERIE	5,202.27	FREDERICKSON, PHILLIP	5,176.50
CHARLEVOIX COUNTY TREASURER	155.82	GOLD WAVE LLC.	4,984.09
CHARLEVOIX COUNTY TREASURER	892.25	McGREGOR, DAVID AND MARCIE	384.36
CHARLEVOIX DISTRICT LIBRARY	123.28	MORLEY, HENRY & MARY	2,181.22
CHARLEVOIX PUBLIC SCHOOLS	1,171.75	RECREATIONAL AUTHORITY	22.47
CHARLEVOIX PUBLIC SCHOOLS	88.02	SCHALLER, ELSA	1,382.88
CHARLEVOIX PUBLIC SCHOOLS	71.94	SCHLEY, TIMOTHY & CAROL	4,789.94
CHARLEVOIX PUBLIC SCHOOLS	0.90		
CITY OF CHARLEVOIX - TAXES DUE	962.94	TOTAL	27,590.63

ACH Payments – 11/02/2012 – 11/13/2012

AVFUEL CORPORATION	12.08	VANTAGEPOINT (457 ICMA PLAN)	11,799.23
MI PUBLIC POWER AGENCY	34,906.51	MI PUBLIC POWER AGENCY	30,563.52
AVFUEL CORPORATION	1.72		
IRS (PAYROLL TAX DEPOSIT)	27,459.40	TOTAL	105,456.24
VANTAGEPOINT (401 ICMA PLAN)	713.78		

PAYROLL: NET PAY

Pay Period Ending 11/03/2012 – Paid 11/09/2012

WELLER, LINDA JO	1,269.35	ELLIOTT, PATRICK M.	1,541.33
STRAEBEL, ROBERT J.	2,392.38	WELLS JR., DONALD E.	1,595.70
BRANDI, RICHARD M.	1,757.88	BRADLEY, KELLY R.	1,374.59
LOY, EVELYN R.	1,007.09	WILSON, RICHARD J.	1,196.06
KLOOSTER, ALIDA K.	1,373.19	JONES, ROBERT F.	1,099.59
BROWN, STEPHANIE C.	1,108.19	MANKER JR, DAVID W.	532.16
OCHS, CAROL A.	916.89	BROWE, RAYMOND L.	453.89
CAREY, KEITH V.	1,161.99	RUPINSKI, PETER J.	662.57
SPENCER, MICHAEL D.	1,730.71	MCGHEE, ROBERT R.	1,061.32
SPENCLEY, PATRICIA L.	1,024.67	VANLOO, JOSEPH G.	750.71
NASH, JENNIFER B.	700.05	BOAL, DAVID W.	890.50
DOAN, GERARD P.	1,298.92	WESCOTT, DENNIS M.	75.68
SHRIFT, PETER R.	1,134.31	STEIN, DONNA E.	19.06
SCHLAPPI, JAMES L.	1,115.06	DURRENBERGER, LARRY J.	3.30
UMULIS, MATTHEW T.	1,303.36	DVORACEK, DANA J.	1,555.13
ORBAN, BARBARA K.	1,660.31	TOUGH, KENDALL J.	262.24
TRAEGER, JASON A.	1,296.90	WENZEL, PEGGY A.	468.75
WARNER, JANINE M.	1,225.84	GENGLE, SUE E.	125.96
LEE, LOREN G.	461.71	O'CONNOR, BRUCE E.	334.51
IVAN, PAUL M.	2,106.66	HANKINS, SCOTT A.	1,452.98
SCHWARTZFISHER, JOSEPH	1,142.11	COPPOCK, TIMOTHY M.	1,438.15
ROLOFF, ROBERT P.	1,294.35	BLANCHARD, SCOTT W.	1,688.35
BRODIN, WILLIAM C.	1,610.44	SWEM, DONALD L.	1,640.19
RILEY, DENISE M.	341.35	WHITLEY, ANDREW T.	1,371.92
WURST, RANDALL W.	1,563.67	MORRISON, KEVIN P.	1,101.86
MAYER, SHELLEY L.	1,251.73	HODGE, MICHAEL J.	1,329.99
HILLING, NICHOLAS A.	1,100.06	JOHNSON, STEVEN P.	1,032.80
MEIER III, CHARLES A.	643.52	BISHAW, JAMES H.	585.32
NISWANDER, JOSEPH F.	1,263.40	TOWSLEY, CALVIN J.	598.24
FRYE, EDWARD J.	998.07	SCAFIDI, DAVID J.	440.82
JONES, TERRI L.	792.47	HEID, THOMAS J	1,343.81
EATON, BRAD A.	1,722.73	GILL, DAVID R.	884.23
WILSON, TIMOTHY J.	1,974.25	HAND, HEATHER K.	592.10
LAVOIE, RICHARD L.	1,161.02	SCHNEIDER, DENNIS R.	225.22
STEVENS, BRANDON C.	1,142.20		
DRAVES, MARTIN J.	1,634.60	TOTAL	75,410.46

PAYROLL: TRANSMITTAL

11/09/2012

AMERICAN FAMILY LIFE	402.61	MI STATE DISBURSEMENT	596.19
CHAR EM UNITED WAY	88.00	NORTHWESTERN BANK	300.00
CHARLEVOIX STATE BANK	960.39	POLICE OFFICERS LABOR	325.50
COMMUNICATION WORKERS	528.86	PRIORITY HEALTH	682.47
INDIANA STATE	80.00		
MERS	390.00	TOTAL	4,354.02