

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, September 17, 2012 — 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: Jim Young
City Manager: Rob Straebel
City Clerk: Stephanie C. Brown, Deputy Clerk
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 – September 4, 2012 Regular Meeting Minutes
- B. Accounts Payable Check Register – September 4, 2012
- C. Accounts Payable Check Register – September 18, 2012
- D. Tax Disbursement – September 18, 2012
- E. ACH Payments – September 4, 2012 – September 14, 2012
- F. Payroll Check Register – September 14, 2012
- G. Payroll Transmittal – September 14, 2012
- H. Member Charlevoix Historic District Commission Resignation and Vice Chairman Charlevoix Historic District Study Committee Resignation – Bob Heath
Motion by Council member Picha, second by Council member Gennett, to accept his [Bob Heath's] letter of resignation.

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

V. Public Hearings

None.

VI. Reports

City Manager Straebel reported that the City's website has been updated to allow access to Council meeting agenda packets and to provide information on the status of the community fireplace. Staff has been notified that John Campbell and Ken Polakowski are hosting a community forum at the library, scheduled to discuss the fireplace on October 3, 2012 and November 14, 2012. The City's web page has a comment section that can be printed and e-mailed, mailed, or hand delivered to City Hall. The website does not allow for on-site submittal. Manager Straebel asked that, if any Council member planned to attend a forum meeting, they notify the City Clerk's office so that the meeting could be properly noticed. The Mayor asked that Mr. Mark Buday present to Council prior to presenting anything at the public forum.

Mayor Carlson stated that he had inadvertently replied to a poll on the Facebook webpage regarding the fireplace.

Manager Straebel asked for input from the Mayor regarding the fireplace updates: Should Mr. Buday make a joint presentation to the Planning Commission and Council or hold separate presentations. Mayor Carlson asked for additional time to consider the question.

VII. Requests, Petitions and Communications and Actions Thereon

A. Discussion Regarding Charlevoix County Storm Water Management Ordinance

Marc Seelye, Charlevoix County Soil Erosion Control Officer, presented the item and answered questions from Council. The draft ordinance would facilitate uniform storm water management in Charlevoix County, if adopted by all three municipalities, by turning control of storm water management over to the County. The Boyne City Commission voted not to implement the new regulations.

Some of the concerns of the City Manager include: whether the City road and infrastructure projects would be exempt from the regulations, the appeals process, and loss of local control. Manager Straebel pointed out that the City already takes a very pro-active stance on Storm Water Control. Mr. Seelye stated that, in his opinion, maintenance projects undertaken by the City would be exempt from the ordinance regulations; new streets, if created, would be impacted by the regulations. Mr. Seelye also stated that the appeals board members would be elected by a quorum of the township supervisors, city managers, and village presidents participating in the plan. Mr. Seelye reported that there will be a meeting at the Boyne City Hall on September 18, 2012 to finalize the intergovernmental agreement and suggested that the City of Charlevoix send a representative.

Ms. Grenetta Thomassey of Tip of the Mitt Watershed Council pointed out that these regulations, with the exception of the new driveway provision, have protected the City and Charlevoix County since 1998. While the Attorney General's office determined that Counties can no longer enforce storm water ordinances, Charlevoix County has asked all new developers to voluntarily follow the new ordinance. Ms. Thomassey also noted that the City could opt out of the program at any time, but that by getting in at the beginning, the City will have some input in the creation and design of the appeals board.

Council member Stevens noted that DPW Superintendent Pat Elliott addresses storm water runoff and seems qualified to address these types of issues.

Council member Gennett asked for the attorney's opinion. Mr. Young stated that, from a township perspective, intergovernmental agreements are cost effective and agreed that the City Manager should do further research to see if this is an appropriate solution for the City of Charlevoix. Cities do not always agree, but Mr. Young recommends that the City Manager further explore the plan to see if the benefits outweigh the drawbacks.

Council member Picha asked Manager Straebel to consider if any of Charlevoix's unique circumstances would make the County's proposed ordinance difficult for the City.

Mayor Carlson asked Manager Straebel to attend the meeting in Boyne City and gather more information.

The Mayor opened the item to public comment at 7:36 p.m.

Mr. Larry Sullivan agrees that the City is unique: We have no undeveloped waterfront property. Mr. Sullivan asked if the DPW Superintendent is qualified to make storm water decisions. Mr. Sullivan stated that he did not need an answer to his question; he merely asked that Council consider whether or not the City has a qualified individual. Mr. Sullivan noted that a storm water appeals board would need significant technical training and that the Zoning Board of Appeals is not qualified to act as a Storm Water Ordinance appeals board. Further, Mr. Sullivan asked that any appeals board be fully trained.

Planner Spencer agrees that the local Zoning Board of Appeals (ZBA) is not qualified to act as a Storm Water Ordinance appeals board; however, due to the highly technical nature of the subject, it will be very difficult to get qualified individuals to act on the appeals board regardless of whether it is a City board or a multi-jurisdictional board. Planner Spencer also noted that the current City zoning ordinance allows the City to require an expert opinion on items the ZBA is unqualified to review.

The Mayor closed the item to public comment at 7:42 p.m. No action taken.

B. 2011 – 2012 Financial Audit Presentation

Richard Brandt, City Treasurer, and Carrie Hammons from the Rehmann Group, presented the 2011-2012 City Audit and answered questions from Council.

Manager Straebel noted that the positive position of the City's overall financial position and specifically of the general fund is attributable, not only to Council's and Treasurer Brandt's efforts to create a balanced budget, but also to all department heads and employees for their efforts in fiscal responsibility.

Mayor Carlson opened the item to public comment at 8:01 p.m. There was no public comment. The Mayor closed the item to public comment at 8:01 p.m.

Attorney Young reported that he has worked with many municipalities regionally and stated that the City of Charlevoix "has a right to be proud" of their fiscal standing.

Motion by Councilmember Stevens, second by Councilmember Cole, to accept the final [2011-2012 financial] audit as presented.

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

C. Downtown LED Tree Light Cost Sharing Proposal

DDA Director Keith Carey presented the item and answered questions from Council. The Downtown Development Authority would like to replace the entire downtown light display with a more appealing display. The estimate to replace the display is \$22,000. The DDA has \$4,500 in its budget for the replacement, \$3,730 in donations, an additional \$800 in pledges, and is anticipating an additional \$2,000 in donations plus a match. The DDA would like City Council to consider partnering with the DDA and community members in the project to replace the lighting display. The DDA would like to put the item out to bid as soon as possible with installation in October. Because the City is interested in a year-round lighting display, the vendor would be asked to warranty 12 months instead of two holiday seasons. The City should expect the lights to last approximately three to four years due to fading lights and tree growth.

Council member Picha stated that if there are unhealthy trees downtown they should be removed before installing lighting.

City Treasurer Brandt stated that it is typical for an Electric Department to fund Christmas lighting displays and the City Electric Department can afford to do so in the current fiscal year.

Currently, the lights are turned on for a short time in the morning, on again at dusk and off around 1 a.m.

Council member Gennett noted that tour buses parking on Bridge Street push on the branches. Member Gennett proposes not allowing tour buses to park on Bridge Street next to the trees.

Mayor Carlson opened the item to public comment at 8:25 p.m.

A member of the audience asked why Council was considering replacing lights and agreed that buses should not be allowed to park against the trees. Lights are being replaced because they are failing.

The item was closed to public comment at 8:26 p.m.

Motion by Councilmember Picha, second by Councilmember Gennett, to partner with the DDA and the private fundraising efforts for the amount of \$10,000 from the Electric Department promotion monies to remove current lights and purchase and install new warm white lights in the 36 trees currently lit between Antrim Street and the drawbridge.

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

D. Consideration to Approve the Water Department Truck Purchase

DPW Superintendent Pat Elliott presented the item and answered questions from Council. Replacement of a 1998 GMC 3500 truck is included in the 2012 - 2013 budget. Only one bid, which was almost \$3,000 under budget, was received through the bidding process. The existing truck will be auctioned off later in the year. Efforts to find an adequate and fairly priced used vehicle have failed.

Mayor Carlson opened the item to public comment at 8:31 p.m. There was no public comment. The item was closed to public comment at 8:31 p.m.

Motion by Councilmember Gennett, second by Councilmember Kusina, to accept the bid from Bob Mathers Ford for \$30,574.09 for a truck as described on pp. 41-42 of the packet.

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

E. Approval of Job Descriptions

City Manager Rob Straebel presented the item and answered questions from Council. Ten job descriptions, some new and some updated, have been written for Council's review and approval.

Mayor Carlson opened the item to public comment at 8:32 p.m. There was no public comment. The item was closed to public comment at 8:32 p.m.

Motion by Councilmember Kusina, second by Councilmember Cole, to adopt the ten job descriptions as written on pp. 43 – 59 [of the agenda packet.]

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

F. Appointments

Planner Spencer reported that Bob Heath recommended Ken Polakowski to fill the vacancy created by Mr. Heath's resignation. This appointment is a Mayoral appointment. Mayor Carlson asked that he be given time to speak to Mr. Polakowski before making an appointment. Planner Spencer will ask Mr. Polakowski to complete an application and to call the Mayor if he is interested in serving.

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

Council member Picha thanked Planner Spencer for his assistance with the public during the fireplace discussions.

Council member Stevens asked for an update on the Redevelopment Liquor License committee. Mr. Straebel reported that the committee has enough information to begin a draft ordinance to regulate redevelopment liquor licenses. Mr. Stevens would like to attend the meeting where the committee is drafting the ordinance so that he has a better understanding of their intentions.

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

Mr. Bob Timms addressed Council about the Clinton Street project and asked why the street has been narrowed by three feet. Mr. Timms is concerned about the effect on traffic and parking. Mayor Carlson asked Manager Straebel to check with the engineer and send a memo to Council on the status of the project and the rationale for narrowing the street.

Ms. Mary Eveleigh asked for clarification on a *Charlevoix Courier* article regarding what projects the Planning Commission needs to review. The article quotes Mayor Carlson as stating that "the city's legal counsel's opinion is that no such requirements exist" [to have the Planning Commission review a project such as the fireplace]. Mayor Carlson stated that the legal opinion, which was given verbally, is that the item does not need to go to the Planning Commission since it is an improvement to an existing park. The Mayor also reminded Ms. Eveleigh that the Planning Commission's role is to make a recommendation to Council.

XIII. Closed Session

A. Review of City Manager's Performance – September 2011 – 12

Motion by Councilmember Gennett, seconded by Councilmember Stevens, to go into closed session to discuss the review of the City Manager's performance from September 2011 to 2012, per his written request dated August 16, 2012.

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

Council entered closed session at 8:51 p.m. Council reconvened in open session at 9:27 p.m.

XIV. Adjourn

Mayor Carlson stated if there were no objections, the meeting would adjourn.

There were no objections.

Meeting adjourned at 9:28 p.m.

Stephanie C. Brown

Deputy City Clerk

Norman L. Carlson, Jr.

Mayor

Carol A. Ochs

City Clerk

DC ASSESSING SERVICES	Accounts Payable – 09/04/2012	
	4,291.92	TOTAL: 4,291.92

	Accounts Payable – 09/18/2012	
ACE HARDWARE	2,008.09	MICHIGAN HISTORIC 296.47
AMERICAN WASTE INC.	130.00	MICHIGAN OFFICEWAYS INC 560.96
APOLLO FIRE	43.94	MID STATES BOLT & SCREW CO 32.07
ARROW UNIFORM-TAYLOR L.L.C.	916.67	MIKE'S GLASS 20.00
AT&T	5,781.23	NORTH AMERICAN SALT CO 6,492.85
AUTO VALUE	442.86	NORTH STAR LAND SURVEYING INC. 2,110.00
AVFUEL CORPORATION	68,286.55	NORTHERN CREDIT BUREAU 304.62
B & L SOUND INC	133.97	NORTHERN FIRE & SAFETY INC. 377.00
BLARNEY CASTLE OIL CO	1,363.81	NORTHERN MICHIGAN JANITORIAL 367.25
CARDINAL CARPET CLEANING	102.05	NORTHERN MICHIGAN REVIEW INC. 1,409.83
CARQUEST OF CHARLEVOIX	703.93	OLD DOMINION BRUSH 1,826.34
CCP INDUSTRIES INC	181.01	OLESON'S FOOD STORES 870.14
CHARLEVOIX CAR WASH	32.40	PERFORMANCE ENGINEERS INC 12,102.25
CHARTER COMMUNICATIONS	961.28	POWER LINE SUPPLY 1,495.84
CHILDS CONSULTING ASSOC. INC.	1,652.00	PREFERRED WASTE 2 LLC 675.00
CINTAS FAS LOCKBOX 636525	132.52	QoE CONSULTING PLC 14,655.00
CITY OF CHARLEVOIX - UTILITIES	45,588.34	RIETH-RILEY CONST CO INC 591.49
DELL MARKETING L P	2,644.51	RIOPELLE, CRYSTAL 36.47
DETROIT INDUSTRIAL TOOL	108.75	ROSENTHAL, MICHELLE 62.01
EATON CORPORATION	248.40	SCIENTIFIC BRAKE & EQUIP CO 153.55
EJ USA INC.	5,072.37	SPARTAN DISTRIBUTORS INC 524.92
ELHORN ENGINEERING COMPANY	2,120.00	SPARTAN STORES LLC 37.82
ELLSWORTH FARMER'S EXCHANGE	208.35	STATE INDUSTRIAL PRODUCTS 486.10
FAMILY FARM & HOME	269.07	STATE OF MICHIGAN 25.00
FASTENAL COMPANY	4.49	STRAEBEL, ROBERT J. 463.20
GALLS AN ARAMARK COMPANY	290.46	T & R ELECTRIC 7,235.00
GIUNNETTI, JOE	5.00	T & R SERVICE INC 484.00
GRIFFIN BEVERAGE CO	44.00	TOP OF MICHIGAN TRAILS COUNCIL 2,000.00
GRUNCH, RICK	1.61	UNITED STATES PLASTIC CORP. 198.12
HACK, PAUL	146.08	UP NORTH PROPERTY SERVICES LLC 4,382.00
HEERES EXCAVATING INC.	2,700.00	US BANK 285,797.50
IVAN, PAUL	41.00	USA BLUE BOOK 1,185.28
J & B MEDICAL SUPPLY INC.	77.10	USA MOBILITY WIRELESS INC. 9.99
J & S PORTABLE RESTROOMS	312.50	VALLEY TRUCK - GAYLORD 27,131.28
J.W. TURF INC.	223.71	WILBERT BURIAL VAULT CO 74.88
KORTHASE FLINN	124.02	WILLCOME TREE SERVICE 775.00
KSS ENTERPRISES	109.39	WORK & PLAY SHOP 145.42
MDC CONTRACTING LLC	145,446.11	TOTAL: 664,052.22

	Tax Disbursement – 09/18/2012	
ANNEAR, SUE	2.30	CITY OF CHARLEVOIX - TAXES DUE 1,168,239.72
CHARLEVOIX COUNTY TREASURER	1,022,103.21	FIFTH THIRD BANK 450.00
CHARLEVOIX COUNTY TREASURER	1,372.85	GMAC MORTGAGE 2,313.85
CHARLEVOIX PUBLIC SCHOOLS	1,204,234.53	HUNTINGTON NATIONAL BANK 630.00
CHARLEVOIX PUBLIC SCHOOLS	182,775.13	LOANCARE SERVICING CENTER 1,877.59
CHARLEVOIX PUBLIC SCHOOLS	91,306.16	QUICKEN LOANS 787.71
CHARLEVOIX PUBLIC SCHOOLS	6,227.05	STATE OF MICHIGAN 7,485.00
CITIZENS BANK	2,022.89	TOTAL: 3,691,827.99

	ACH Payments – 09/04/2012 – 09/14/2012	
MI PUBLIC POWER AGENCY	26,803.03	VANTAGEPOINT (457 ICMA PLAN) 13,024.17
MI PUBLIC POWER AGENCY	21,466.66	VANTAGEPOINT (401 ICMA PLAN) 699.79
IRS (PAYROLL TAX DEPOSIT)	31,634.50	TOTAL: 93,628.15

	PAYROLL: NET PAY	
	Pay Period Ending 09/08/2012 – Paid 09/14/2012	
WELLER, LINDA JO	1,457.74	MEIER III, CHARLES A. 1,915.09
STRAEBEL, ROBERT J.	2,347.54	NISWANDER, JOSEPH F. 1,489.24
BRANDI, RICHARD M.	1,761.61	FRYE, EDWARD J. 1,018.60
LOY, EVELYN R.	1,005.72	JONES, TERRI L. 1,044.34
KLOOSTER, ALIDA K.	1,620.37	EATON, BRAD A. 1,887.72
BROWN, STEPHANIE C.	1,087.35	WILSON, TIMOTHY J. 2,190.87
OCHS, CAROL A.	915.66	LAVOIE, RICHARD L. 1,177.35
CAREY, KEITH V.	1,160.07	STEVENS, BRANDON C. 1,175.95
SPENCER, MICHAEL D.	1,728.10	DRAVES, MARTIN J. 1,541.02
SPENCLEY, PATRICIA L.	1,096.18	ELLIOTT, PATRICK M. 1,495.92
NASH, JENNIFER B.	673.15	WELLS JR., DONALD E. 1,492.79
CASTIGLIONE, BENJAMIN	296.27	BRADLEY, KELLY R. 1,258.00
SHRIFT, PETER R.	1,307.90	WILSON, RICHARD J. 1,119.82
SCHLAPPI, JAMES L.	1,156.07	JONES, ROBERT F. 1,476.17
UMULIS, MATTHEW T.	1,511.07	MANKER JR, DAVID W. 537.25
ORBAN, BARBARA K.	1,588.22	NISWANDER, LOGAN J. 574.54
TRAEGER, JASON A.	1,514.84	SIEGMUND, CHRISTOPHER 658.99
WARNER, JANINE M.	1,223.78	BROWE, RAYMOND L. 544.22
EVANS, HALBERT K.	1,421.10	RAMSEY, ARIEL M. 370.20
LEE, LOREN G.	632.13	MCGHEE, ROBERT R. 956.71
BINGHAM, LARRY E.	1,044.30	VANLOO, JOSEPH G. 664.55
BRANDI, MAURA E.	464.27	STEBE, LAURA A. 167.71
WITHROW, KATHERINE S.	167.26	BOAL, DAVID W. 918.08
GREYERBIEHL, KEVIN M.	595.53	WESCOTT, DENNIS M. 140.40
KALBFELL, ELLE L.	85.78	DURRENBERGER, LARRY J. 283.76
IVAN, PAUL M.	1,704.33	RYPSTRA III, BART 266.29
SCHWARTZFISHER, JOSEPH	1,185.99	DVORACEK, DANA J. 1,328.64
ROLOFF, ROBERT P.	1,688.61	STEIN, DONNA E. 538.89
BRODIN, WILLIAM C.	1,560.56	TOUGH, KENDALL J. 550.96
RILEY, DENISE M.	425.92	WENZEL, PEGGY A. 402.33
CALDWELL, JAMES P.	1,390.45	GENGLE, SUE E. 44.81
WURST, RANDALL W.	2,111.76	O'CONNOR, BRUCE E. 475.21
MAYER, SHELLEY L.	1,542.56	CHAVEZ, DEBRA L. 450.00
HILLING, NICHOLAS A.	1,503.37	DOAN, GERARD P. 1,415.30

HANKINS, SCOTT A.	1,431.99	BISHAW, JAMES H.	627.85
KLOOSTER, PATRICK H.	533.81	TOWSLEY, CALVIN J.	489.25
GLENNY, GRACE A.	347.88	SCAFIDI, DAVID J.	418.16
COPPOCK, TIMOTHY M.	1,264.51	HEID, THOMAS J	1,341.78
BLANCHARD, SCOTT W.	1,690.89	BAIER, GEORGE A.	267.30
SWEM, DONALD L.	1,637.80	GRUNCH, RONALD J.	330.70
WHITLEY, ANDREW T.	1,459.04	DAVIS, RONALD L.	248.78
MORRISON, KEVIN P.	1,061.03	GILL, DAVID R.	862.51
HODGE, MICHAEL J.	1,328.24	HAND, HEATHER K.	546.61
JOHNSON, STEVEN P.	1,609.67	SCHNEIDER, DENNIS R.	607.96
ZIPP, DONALD R.	1,272.50	TOTAL:	91,925.54

PAYROLL: TRANSMITTAL
09/14/2012

AMERICAN FAMILY LIFE	402.61	MI STATE DISBURSEMENT	596.19
CHAR EM UNITED WAY	93.00	NORTHWESTERN BANK	252.00
CHARLEVOIX STATE BANK	743.47	POLICE OFFICERS LABOR	325.50
COMMUNICATION WORKERS	519.16	PRIORITY HEALTH	813.53
INDIANA STATE	80.00		
MERS	390.00	TOTAL:	4,215.46