

**CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES**

Monday, May 20, 2013 – 7:00 p.m.

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

Based on the results of the Recall Election on May 11, 2013, Council members Gabe Campbell, Shirley Gibson, and Jeff Porter were sworn in and officially took office on Wednesday, May 12, 2013, in the City Clerk's Office.

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: Stephanie C. Brown
Members Present: Council members Gabe Campbell, Shane Cole, Lyle Gennett, Shirley Gibson, Jeff Porter, Greg Stevens
Absent: None

III. Inquiry Regarding Possible Conflicts of Interest

None.

IV. Consent Agenda

The following items were approved and filed:

- A. Approval of Minutes – May 6, 2013 Regular Meeting Minutes
Motion by Councilmember Porter, second by Councilmember Campbell, to approve the May 6, 2013 meeting minutes as amended.

Yeas: Campbell, Cole, Gennett, Gibson, Porter, Stevens

Nays: None

Absent: None

- B. Accounts Payable Check Register – May 8, 2013

- C. Accounts Payable Check Register – May 21, 2013

Councilmember Porter asked for and received additional information regarding the payment to MBA Architects.

- D. ACH Payments – May 6, 2013 – May 13, 2013

- E. Payroll Check Register – May 10, 2013

- F. Payroll Transmittal – May 10, 2013

V. Public Hearings

None.

VI. Reports

City Manager Straebel reported that the Clinton street project is almost complete; the project is on budget and on time.

The new Water/Waste Water Plant Superintendent, Steven Teunis, started today.

Manager Straebel reported that he had attended the Rural Task Force Meeting in May. At that meeting, the City of Charlevoix was allocated approximately \$94,000 in grants for road improvements at the intersection of Antrim and State Streets. This grant was made possible because of the reclassification of State Street as a Major Rural Collector; this makes it possible to apply for State funds for road improvements on State Street. Manager Straebel noted that grant funding cannot be carried over year-to-year. While the grant funding can only be used for surface projects, the City intends to repair and/or replace the underground utilities at the same time. Staff is looking at scheduling the project for Fall of 2013.

Fire Hydrant flushing continues, which may lead to temporary water discoloration.

Brush and leaf pickup is behind schedule due to the late spring. Petunia planting takes place this Thursday.

Councilmember Gennett asked about the double yellow line on State Street and Park Avenue, and noted that it had not been there in previous years. Manager Straebel will follow up with DPW Superintendent Elliott to find out why this was done this year.

VII. Requests, Petitions and Communications and Actions Thereon

A. Northwest Academy Presentation

Northwest Academy teacher Christina Eanes and Northwest Academy seniors Nasstassia Ewurs, Jeremy White and Patty Moore made a presentation with recommendations on how the City can help keep Charlevoix the Beautiful, beautiful.

Mayor opened the item to public comment at 7:18 p.m. There was no public comment. The Mayor closed the item to public comment.

Council directed staff to gather more information on the Adopt-a-Street program.

B. Discussion Regarding Reconsideration to Construct a Natural Gas Fireplace in East Park

City Manager Rob Straebel presented the item and gave a brief history of the fireplace. To date, \$20,871 has been spent on the project. The gas line has not been installed.

Councilmember Porter stated that the anonymous donor has not paid anything to the project, and that the City taxpayers will be responsible for the costs to date. Additionally, there was no written contract for the project. This was a private project that has become a public financial liability.

Mayor Carlson stated that a donation was made through the Charlevoix Community Foundation; funds were to be released as the project progressed. This situation was handled similar to a grant; however, the City did not fulfill its obligations [to construct the fireplace], so the donor's funds are not available.

Councilmember Porter argued that Council should not have approved design work on the fireplace, as a great majority of the public was against the project.

The Mayor called for public comment.

Downtown merchant Kirby Dipert stated that he is disappointed that fireplace is not moving forward, that it would benefit downtown and the downtown merchants. All of the Councilmembers have stated that they are supportive of benefitting downtown merchants. Mr. Dipert reminded Council that any expenses incurred to date would be paid by the donor if the project moves forward. Mr. Dipert asked that the Council consider what is best for the community, not just popular current opinion.

John Marsh believes that not only is the fireplace unnecessary, but it also takes away from the view. Mr. Marsh emphasized that the City does not need a place to roast marshmallows and that there are other areas where the City can use its funds.

Downtown merchant Diane Dupont reminded Council that taxpayer dollars were used to tear down buildings and open up the view for East Park. Ms. Dupont is in favor of the fireplace and thinks it would benefit the downtown merchants, but not in the proposed location.

The Mayor closed the item to public comment.

Motion by Councilmember Campbell, second by Councilmember Porter, to suspend Rule 13(k) [as permitted in the *Rules of Procedure for City Council*.]

Yeas: Campbell, Gennett, Gibson, Porter
Nays: Cole, Stevens
Absent: None

Motion by Councilmember Campbell, second by Councilmember Gibson, that the motion which approved the Proposal to Construct a Gas Fireplace in East Park and which was decided at the August 9, 2012 Special Council meeting be reconsidered.

Yeas: Campbell, Gennett, Gibson, Porter
Nays: Cole, Stevens
Absent: None

Motion by Councilmember Campbell, second by Councilmember Gibson, that the City Council's motion at the Special Council meeting on August 9, 2012, which approved Attachment A, Scope of Work – Community Fireplace, with the condition that the fireplace be centered in Plaza B and the tree be removed, be rescinded and no longer have any force or effect.

Yeas: Campbell, Gennett, Gibson, Porter
Nays: Cole, Stevens
Absent: None

Motion by Councilmember Campbell, second by Councilmember Porter, not to proceed with the fireplace.

Yeas: Campbell, Gennett, Gibson, Porter
Nays: Cole, Stevens
Absent: None

City Manager Straebel asked what the Council would like to have done with Plaza B. Councilmember Campbell suggested that the fireplace be removed and that Council hold a public hearing to decide what should be done in the Plaza. Manager Straebel reported that the development of Plaza B could take months, and asked what Council would like done short term. Councilmembers Gennett and Porter suggested pavers. Councilmember Porter suggested that there be a public hearing before taking any permanent action, but that the foundation could be left until a decision is made. Manager Straebel suggested removing the fireplace down to the infrastructure, and fill with dirt and wood chips to make the Plaza safe and presentable. Mayor Carlson stated that pavers would require a different substructure, and that may be counterproductive depending on the results of the public hearing to decide the disposition of Plaza B. Council generally agreed to Manager Straebel's suggestion and directed staff to proceed.

Councilmember Gennett reminded the audience that many members of the community had offered to raise funds to cover the costs of removing the fireplace and asked that those donors follow through on their offer. Mayor Carlson noted that Councilmember Gibson had received an e-mail letter from one of the donors that offered to help cover the costs of removing construction, and asked Ms. Gibson to follow through with that individual.

C. Software Purchase – Civic Systems

City Treasurer Rick Brandi presented the item and answered questions from Council. Treasurer Brandi recommends the purchase of an additional software module to the Civic Systems program for inventory and job costing. The cost of the module is \$15,900 with \$1,500 per year in support fees. Harbor Springs and Petoskey use same program and provide each other with emergency backup services. The initial cost of the program includes the software, training, and data conversion. The goal is to eventually have the software available to employees in the field.

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

Motion by Councilmember Gennett, seconded by Councilmember Cole, to approve the purchase of the materials management (inventory) and the project management software, including training and education, setup and conversion for \$15,900, giving the Mayor approval to sign the attached Software Purchase Agreement.

Yeas: Campbell, Cole, Gennett, Gibson, Porter, Stevens
Nays: None
Absent: None

D. Consideration to Approve Step 3 of the Economic Vitality Incentive Program

City Manager Rob Straebel reviewed the item and answered questions from Council. Steps 1 and 2 of the program have been completed, providing a Citizen's guide and Dashboard to citizens through the City website, and developing a Collaboration/Cooperation/Consolidation plan with neighboring communities. Completion of Step 3 will result in the receipt of

approximately \$7,000 in statutory revenue sharing from the State. Step 3 addresses the Employee Compensation Plan. Manager Straebel reviewed the details of the Plan.

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

Motion by Councilmember Campbell, second by Councilmember Gennett, to opt out of PA 152.

Yeas: Campbell, Cole, Gennett, Gibson, Porter, Stevens
Nays: None
Absent: None

Motion by Councilmember Gennett, second by Councilmember Campbell, to approve the City of Charlevoix's Economic Vitality Incentive Program – Step 3, Employee Compensation Plan.

Yeas: Campbell, Cole, Gennett, Gibson, Porter, Stevens
Nays: None
Absent: None

E. Consideration of Amendment to the Employee Handbook

City Manager Rob Straebel was available to review the item and answer questions from Council. The proposed change addresses granting of sick leave time for first-year, non-contract employees.

Motion by Councilmember Campbell, second by Councilmember Gibson, to adopt the additional language as written on the Employee Handbook.

Yeas: Campbell, Cole, Gennett, Gibson, Porter, Stevens
Nays: None
Absent: None

F. Appointments

Motion by Councilmember Gibson, second by Councilmember Campbell, to appoint Art Nash to the Zoning Board of Appeals.

Yeas: Campbell, Cole, Gennett, Gibson, Porter, Stevens
Nays: None
Absent: None

Mayor Carlson stated that there is a vacancy on the Shade Tree Commission, and that he would like to appoint Jessica Spencer to the Commission. Ms. Spencer is a landscape architect and is the best candidate for the vacancy. Additionally, she is the spouse of City Planner Michael Spencer. Mayor Carlson has spoken to Planner Spencer and confirmed that his office has no interaction with the Shade Tree Commission, so there is no conflict of interest.

Motion by Councilmember Campbell, second by Councilmember Cole, to confirm the Mayor's appointment of Jessica Spencer to the Shade Tree Commission.

Yeas: Campbell, Cole, Gennett, Gibson, Porter, Stevens
Nays: None
Absent: None

G. Appointment of Deputy Mayor

Motion by Councilmember Campbell, second by Councilmember Gibson, to appoint Councilmember Gennett to the position of Deputy Mayor.

Yeas: Campbell, Cole, Gennett, Gibson, Porter, Stevens
Nays: None
Absent: None

H. Additional Appointments

Motion by Councilmember Gennett, second by Councilmember Cole, to appoint Councilmember Gibson to the Airport Design Development Committee, the Airport Policy Advisory Committee, and the Airport Technical Advisory Committee.

Yeas: Campbell, Cole, Gennett, Gibson, Porter, Stevens
Nays: None
Absent: None

Motion by Councilmember Stevens, second by Councilmember Gibson, to appoint Councilmember Gennett to the Board of Review.

Councilmember Gennett will abstain from voting on this item, as the Board of Review is a paid position.

Yeas: Campbell, Cole, Gibson, Porter, Stevens
Nays: None
Abstain: Gennett
Absent: None

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

A. Consideration to Set a Public Hearing on June 3, 2013 to Discuss Ideas for Development of Plaza B in East Park

Motion by Councilmember Gennett, second by Councilmember Campbell, to hold a public hearing on Monday, June 3, 2013 at 7:00 p.m. in Council Chambers to receive public input regarding design options for Plaza B in East Park.

Yeas: Campbell, Cole, Gennett, Gibson, Porter, Stevens
Nays: None
Absent: None

KORTHASE FLINN	726.62	POSTMASTER	54.97
KSS ENTERPRISES	206.29	POWER LINE SUPPLY	5,539.84
LABOR LAW COMPLIANCE CENTER	280.03	PRECISION DATA PRODUCTS	223.53
LAKESHORE TIRE & AUTO SERVICE	59.50	PRESTON FEATHER	18.43
LAKESIDE TOWING	85.00	PRICE, LORNA	7.05
LAVOIE, RICHARD	38.00	R & R FIRE TRUCK REPAIR	2,485.50
MARION TOWNSHIP	20.00	RIETH-RILEY CONST CO INC	1,146.60
MARTIN, NATE	72.08	SCIENTIFIC BRAKE & EQUIP CO	188.18
MAYER, SHELLEY L.	49.72	SEARS COMMERCIAL ONE	475.98
MBA ARCHITECTS	5,882.50	SEELEY'S PRINTING SERVICE	906.85
MDC CONTRACTING LLC	75,030.75	SPARTAN DISTRIBUTORS INC	946.37
MENAPACE, ADA	69.86	SPARTAN STORES LLC	25.23
MICH BOATING INDUSTRIES ASSOC.	295.00	STANDARD ELECTRIC CO	104.03
MICHIGAN OFFICEWAYS INC	2,977.41	STATE FARM AUTO	85.96
MID STATES BOLT & SCREW CO	196.11	STATE OF MICHIGAN	802.21
MILLER, GEORGE	50.00	STATE OF MICHIGAN	200.00
MISS DIG SYSTEM INC	1,069.72	STEVENS, BRANDON	38.00
MPOWER TECHNOLOGIES INC.	2,000.00	TRI-TURF	274.14
NETSOURCE ONE INC.	940.00	TURFGRASS INC	471.00
NISWANDER, JOSEPH F.	24.00	U S BANK	112.50
NORTHERN CREDIT BUREAU	420.50	UP NORTH PROPERTY SERVICES LLC	930.00
NORTHERN MICHIGAN JANITORIAL	37.85	USA BLUE BOOK	143.31
NORTHERN MICHIGAN REVIEW INC.	1,523.10	VILLAGE GRAPHICS INC.	72.40
NYE UNIFORM CO	219.01	VOSS LIGHTING	132.84
ORBAN, BARBARA	124.00	WHITLEY, ANDREW	14.00
OVERHEAD DOOR COMPANY	202.25	WILSON, TIMOTHY J.	24.00
PERFORMANCE ENGINEERS INC	17,163.00	WORK & PLAY SHOP	256.38
PETOSKEY REGIONAL CHAMBER OF	99.00	YP	198.00
PLUNKETT & COONEY	240.00	ZOLL MEDICAL CORPORATION	1,707.36
POLLARDWATER.COM - EAST	3,309.93	TOTAL	260,902.51

ACH Payments – 05/06/2013 – 05/13/2013

MI PUBLIC POWER AGENCY	23,552.64	VANTAGEPOINT (401 ICMA PLAN)	713.78
IRS (PAYROLL TAX DEPOSIT)	32,291.94	MI PUBLIC POWER AGENCY	23,330.71
VANTAGEPOINT (457 ICMA PLAN)	12,423.14	TOTAL	92,312.21

PAYROLL: NET PAY

Pay Period Ending 05/04/2013 – Paid 05/10/2013

ELLIOTT, PATRICK M.	1,527.14	GRUNCH, RONALD J.	82.12
MORRISON, KEVIN P.	990.85	DURRENBERGER, LARRY J	121.08
HODGE, MICHAEL J.	1,288.35	RYPSTRA III, BART	104.09
WELLS JR., DONALD E.	1,450.07	DAVIS, RONALD L.	199.39
BRADLEY, KELLY R.	1,200.34	GILL, DAVID R.	878.18
WILSON, RICHARD J.	1,048.39	MACLEOD, SAMUEL R.	457.04
HART II, DELBERT W.	781.68	WOODY, SCOTT R.	1,520.01
JOHNSON, STEVEN P.	1,229.06	VANLOO, JOSEPH G.	563.21
JONES, ROBERT F.	1,163.77	TOUGH, KENDALL J.	507.45
DORAN, JUSTIN J.	1,279.22	HAND, HEATHER K.	821.21
BISHAW, JAMES H.	673.70	SCHNEIDER, DENNIS R.	491.44
TOWSLEY, CALVIN J.	599.76	IVAN, PAUL M.	1,689.17
SCAFIDI, DAVID J.	470.11	SCHWARTZFISHER, JOSEPH L.	817.10
MANKER JR, DAVID W.	416.74	ROLOFF, ROBERT P.	1,121.25
MANKER SR, DAVID W.	312.45	RILEY, DENISE M.	339.79
MCGHEE, ROBERT R.	1,073.61	BRODIN, WILLIAM C.	1,242.04
MCDONNELL JR, JOHN W.	688.32	DOAN, GERARD P.	1,210.88
COPPOCK, TIMOTHY M.	3,107.78	SHRIFT, PETER R.	1,084.27
WURST, RANDALL W.	1,708.16	SCHLAPPI, JAMES L.	1,092.01
HILLING, NICHOLAS A.	1,158.81	UMULIS, MATTHEW T.	1,192.55
MEIER III, CHARLES A.	1,148.99	HANKINS, SCOTT A.	1,441.76
MAYER, SHELLEY L.	1,410.88	ORBAN, BARBARA K.	1,503.64
NISWANDER, JOSEPH F.	1,225.44	TRAEGER, JASON A.	1,265.95
FRYE, EDWARD J.	966.85	WARNER, JANINE M.	1,165.69
JONES, TERRI L.	1,042.04	EVANS III, HALBERT K.	426.70
SWEM, DONALD L.	1,626.82	KLOOSTER, PATRICK H.	80.63
EATON, BRAD A.	1,680.06	LEE, LOREN G.	70.48
WILSON, TIMOTHY J.	2,381.24	WELLER, LINDA JO	1,318.12
LAVOIE, RICHARD L.	1,360.53	STRAEBEL, ROBERT J.	2,315.87
STEVENS, BRANDON C.	1,380.62	BRANDI, RICHARD M.	1,795.76
WHITLEY, ANDREW T.	1,382.98	LOY, EVELYN R.	976.99
DRAVES, MARTIN J.	1,658.24	KLOOSTER, ALIDA K.	1,395.09
BLANCHARD, SCOTT W.	1,822.28	OCHS, CAROL A.	910.10
WILKIN, AMANDA J.	868.04	CAREY, KEITH V.	1,153.60
CRAIN, CODY A.	184.42	SPENCER, MICHAEL D.	1,711.07
AMSTUTZ, LINDA J.	177.15	SPENCLEY, PATRICIA L.	997.05
HEID, THOMAS J	1,245.15	NASH, JENNIFER B.	914.99
BAIER, GEORGE A.	327.67	PANOFF, ZACHARY R.	637.78
CURTIS, DENNIS E.	191.21	BROWN, STEPHANIE C.	1,119.49
STEIN, DONNA E.	87.08	TOTAL	81,071.04

PAYROLL: TRANSMITTAL

05/10/2013

POLICE OFFICERS LABOR COUNCIL	372.00	CHARLEVOIX STATE BANK	985.39
COMMUNICATION WORKERS OF AMER	530.72	CHARLEVOIX STATE BANK	884.62
CHAR EM UNITED WAY	103.54	NORTHWESTERN BANK	300.00
AMERICAN FAMILY LIFE	158.34	MERS	390.00
AMERICAN FAMILY LIFE	244.27	PRIORITY HEALTH	703.47
MI STATE DISBURSEMENT UNIT	697.56	TOTAL	5,449.91
INDIANA STATE	80.00		