

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, October 20, 2014 – 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 Deputy Mayor Lyle Gennett.

I. Pledge of Allegiance

II. Roll Call of Members Present

Deputy Mayor: Lyle Gennett
City Manager: Robert Straebel
City Clerk: Joyce Golding
Members Present: Councilmembers Peggy Brennan, Shirley Gibson, Leon Perron, and Jeff Porter
Absent: Mayor Norman L. Carlson Jr., Councilmember Shane Cole

III. Inquiry Regarding Possible Conflicts of Interest

None.

IV. Consent Agenda

The following items were approved and filed:

- A. Approval of Minutes – October 6, 2014 Regular Meeting Minutes
- B. Special Accounts Payable Check Register – October 3, 2014
- C. Accounts Payable Check Register – October 21, 2014
 - 1. Councilmember Brennan questioned whether any portion of the \$5,010.50 payment to the City Attorney was for the Alice Street easement. Treasurer Zielinski stated that approximately \$2,500 was for the Alice Street easement.
 - 2. Councilmember Brennan also questioned whether compensation for four Councilmembers included stipends for special meetings regarding the Alice Street easement. City Clerk Golding confirmed.
- D. ACH Payments – October 6, 2014 – October 13, 2014
- E. Tax Disbursement – October 21, 2014
- F. Payroll Check Register – October 10, 2014
- G. Payroll Transmittal – October 10, 2014
- H. City Treasurer Resignation – Joe Zielinski
Treasurer Zielinski's resignation letter was accepted by Council. Treasurer Zielinski expressed his appreciation to the City Manager and City Staff for providing support during his tenure. He stated that Council is very fortunate to have a knowledgeable, dedicated and professional City Manager along with Staff working for the City.

V. Public Hearings

A. Public Hearing on the Amendment to Airport Layout Plan (ALP)

The City of Charlevoix Municipal Airport is seeing an increasing number of category C aircraft operations. Once the threshold of 500 operations in a calendar year is met, the FAA will mandate that the City follow the current Airport Layout Plan (ALP). This, in turn, will cause unneeded challenges for the City of Charlevoix: a number of private homes, businesses, as well as a portion of State Street will have to be condemned, resulting in the loss of tax revenue to the City and an increase in the number of unemployed. The Airport Advisory committee voted unanimously to recommend that City Council consider removing pages 4 of 15 and 5 of 15 of the Charlevoix ALP.

Councilmember Gibson stated that she questioned pages 4 and 5 when the ALP was approved last summer. Acting Airport Manager Wyman stated that he has begun dialog with St. Mary's and the potential of expanding to the west will be discussed. Acting Manager Wyman confirmed that language is needed to replace pages 4 and 5 in order to be in compliance with the FAA.

Deputy Mayor Gennett opened the item to public comment.

Don Seelye, 3rd Ward, opposed the ALP back when he was a member of the advisory committee. He stated that there was never a vote of the committee, but rather a consensus according to the engineers running the meeting. Mr. Seely indicated that a temporary solution would be to establish displaced thresholds of 500 feet, which would allow planes to roll off an additional 500 feet after landing on the 4,500 foot runway.

The item was closed to the public.

Motion by Councilmember Perron, second by Councilmember Gibson, to remove pages 4 of 15 and 5 of 15 of the Charlevoix Airport Layout Plan.

Yeas: Gibson, Perron, Porter, Brennan, Gennett
Nays: None
Absent: Cole

VI. Reports

City Manager Straebel stated that recruitment has begun for the Treasurer's position. An interview committee will be established with Councilmember participants. In the interim, former Treasurer Rick Brandi is willing to assist with the upcoming 2015-16 budget preparations.

VII. Requests, Petitions and Communications and Actions Thereon

A. Consideration of Approval for Groundhog Shadow Fest

Local resident Tim Fore is organizing a new Groundhog Shadow Fest event for downtown Charlevoix that will take place on February 6-8, 2015. The event will offer a direct economic benefit to community businesses by offering enjoyable family activities in the downtown area. The schedule of events includes a beer tent. Mr. Fore stated that there would be no live animals.

Deputy Mayor Gennett opened the item to public comment. There was no comment and the item was closed to the public.

Motion by Councilmember Brennan, second by Councilmember Perron, authorizing the City Manager to waive alcohol restrictions as outlined in the City of Charlevoix City Code, Title III, Chapter 31, Section 3.14 [for the Groundhog Shadow Fest on February 6-8, 2015].

Yeas: Gibson, Perron, Porter, Brennan, Gennett
Nays: None
Absent: Cole

B. Consideration of Approval for the 3rd Annual Bridge Drop

The 3rd Annual Bridge Drop will take place December 31, 2014. The goal of the organizational committee is to create an exciting event that will spur economic traffic for Charlevoix businesses during the off season. The committee is proposing to close a portion of Park Avenue for 24 hours, close US 31 for 15 minutes, and provide alcohol sales during the event.

Councilmember Porter questioned who would receive the revenue from the beer tent. Rick Randall, Bridge Drop Committee member, stated that revenue will help pay for the event. The committee's goal is to increase participation with event-goers spilling over to downtown restaurants and bars. Mr. Randall stated that there are no administrative salaries paid, but rather the event is run by volunteers. He confirmed to Councilmember Porter that there will be no camels at this year's event.

Deputy Mayor Gennett opened the item to public comment. There was no comment and the item was closed to the public.

Motion by Councilmember Gibson, second by Councilmember Brennan, to:

1. Support the 2014 Charlevoix Bridge Drop event; and
2. Revoke the noise ordinance for December 31st from 11:00 p.m. to January 1st at 12:05 a.m.; and
3. Allow the City Manager to grant permission for alcohol sales within 1,000 feet of US-31; and
4. Allow the City Manager's office to file a permit with MDOT for the closure of US-31 from 11:50 p.m. – 12:05 a.m.; and
5. Close Park Avenue from 6:00 a.m. on December 31 until 7:00 a.m. on January 1, from Bridge Street to the west side of Hoffmann Park.

Yeas: Gibson, Perron, Porter, Brennan, Gennett
Nays: None
Absent: Cole

C. New Year's Eve Bridge Drop Fireworks

The Charlevoix Area Convention and Visitors Bureau is requesting to sponsor the second annual New Year's Eve fireworks display, located on the south pier of the Pine River Channel and conducted by Colonial Fireworks Company. Chief Doan stated that NFPA standards will be used to determine the proper setbacks to insure spectator safety. These setbacks will be enforced by the Charlevoix Fire and Police Departments.

Deputy Mayor Gennett opened the item to public comment. There was no comment and the item was closed to the public.

Motion by Councilmember Brennan, second by Councilmember Gibson, to authorize the City Clerk to issue the fireworks permit for the 2014 Bridge Drop fireworks display.

Yeas: Gibson, Perron, Porter, Brennan, Gennett
Nays: None
Absent: Cole

Motion by Councilmember Brennan, second by Councilmember Perron, to authorize the Deputy Mayor to sign the hold harmless agreement with Colonial Fireworks Company.

Yeas: Gibson, Perron, Porter, Brennan, Gennett
Nays: None
Absent: Cole

D. Keweenaw Star Dock Lease

The two year dock lease between the City and Keweenaw Excursions is set to expire on November 5, 2014. Staff has met with the owners of the company to negotiate a fair and equitable agreement. Considering the outstanding issues of the proposed dock expansion project, City officials and Keweenaw Excursions have agreed upon a one year lease starting November 2014 with a 2% increase in dockage fees from \$10,500 to \$10,710. Craig Funkey, owner of Keweenaw Excursions, stated that he preferred to have a longer term lease.

Councilmember Gibson stated that according to the Charter, the City can enter into a five year lease. She feels Council should be supportive of the business that Keweenaw Excursions brings to the City and create a five year lease. City Manager Straebel stated that a one year lease was recommended by City Attorney Howard due to the fact that several variables regarding the proposed marina expansion exist.

Councilmember Brennan stated the permitting process for the proposed marina expansion is scheduled to take 90 days to six months. She suggested signing a five year lease that could be renegotiated if the marina expansion project is approved. Councilmember Gennett agreed.

Councilmember Porter stated a one year lease would be fine or a renegotiable five year lease.

Councilmember Perron asked Mr. Funkey if he would be willing to let the current lease expire and wait until after the election to negotiate a new lease. Mr. Funkey stated that his company will not have representation after the election as the owners will be out of town for an extended period. Councilmember Perron feels that the lease should be tabled until after the election.

City Manager Straebel will bring back a five year lease agreement with a renegotiation clause to the November 3rd Council meeting.

E. General Liability & Property Insurance 2014-15

The City has received a renewal quote of \$88,519 (2.9% increase) from Michigan Township Participating Plan (PAR Plan) for its general liability and property insurance policy. The City has been with the PAR Plan for the last four years.

Councilmember Gibson stated she was impressed with the savings.

Treasurer Zielinski explained that the PAR Plan is a municipal group insurance plan and the City will be receiving dividends.

Deputy Mayor Gennett opened the item to public comment. There was no comment and the item was closed to the public.

Motion by Councilmember Perron, second by Councilmember Brennan, to approve the renewal of the City's general liability and property insurance policy with the Michigan Township Participating Plan [for \$88,519] for one year.

Yeas: Gibson, Perron, Porter, Brennan, Gennett
Nays: None
Absent: Cole

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

Deputy Mayor Gennett read a thank you card from City employee Patti Spencley.

Councilmember Brennan responded to the October 17, 2014 article in the Charlevoix Courier regarding allegations as to the legality of the marina expansion vote and protocol violation. She requested the following clarification in writing from Councilmember Gibson and Planning Commission Member Novotny within 72 hours: a) cite Code of Ethics paragraph and exact wording that allegedly was not

adhered to, b) cite City Charter paragraph and exact wording of City Charter rules that allegedly were broken. Councilmember Brennan stated the response should be directed to the City Manager.

XII. Audience - Non-agenda Input (written requests take precedent)
 None.

XIII. Adjourn
 The Deputy Mayor stated if there were no objections, the meeting would adjourn.
 There were no objections.
 Meeting adjourned at 7:55 p.m.

Joyce M. Golding City Clerk Lyle Gennett Deputy Mayor

Special Accounts Payable – 10/03/14

DTE ENERGY	400.34		
PRIORITY HEALTH	43,564.22	TOTAL	43,964.56

Accounts Payable – 10/21/2014

ACE HARDWARE	2,451.12	IDEXX DISTRIBUTION INC.	1,149.92
ADVANCED BUILDING	202.50	INDEPENDENT DRAFTING SERVICES	1,344.00
AIRGAS USA LLC	1,113.28	INTERSTATE ALL BATTERY CTNS	294.88
ALL-PHASE ELECTRIC SUPPLY CO.	428.91	J & B MEDICAL SUPPLY INC.	17.50
AMERICAN CEMETERY SUPPLIES INC.	387.80	JACOBSON/MICHIGAN	232.41
AMERICAN WASTE INC.	2,300.60	KIWANIS CLUB OF CHARLEVOIX	39.00
ANYBATTERY INC.	131.97	KLOOSTER, ALIDA K.	327.55
APOLLO FIRE EQUIPMENT	535.89	KORTHASE FLINN	387.05
APX INC.	51.71	KSS ENTERPRISES	458.80
AUTO VALUE	324.21	LAKESHORE TIRE & AUTO SERVICE	25.90
AVFUEL CORPORATION	29,458.36	LANDSCAPE FORMS INC.	5,890.00
B & L SOUND INC	305.92	LEADERSHIP CHARLEVOIX COUNTY	1,100.00
BEHAN WINDOW CLEANING	245.00	MCVEIGH'S TRUCK SPRINGS INC.	954.90
BERG, REBECCA	64.00	MICHIGAN DOWNTOWN ASSOCIATION	150.00
BEST, MARVIN	72.00	MICHIGAN OFFICEWAYS INC	1,274.70
BRADFORD'S	45.50	MICHIGAN WATER ENV ASSOC	62.00
BRADLEY, KELLY R.	335.28	MIRACLE, JENNIFER	75.00
CARDINAL CARPET CLEANING	437.50	MUNICIPAL UNDERWRITERS OF MICH	88,519.00
CARQUEST OF CHARLEVOIX	1,601.54	NFIRS ONLINE	495.00
CHARLEVOIX CVB BRIDGE DROP	1,000.00	NORTH COUNTRY POWER GENERATION	2,766.50
CHARLEVOIX GLASS INC.	13,497.20	NORTHERN MICHIGAN JANITORIAL	77.95
CHARLEVOIX SCREEN MASTERS INC	177.00	NORTHERN MICHIGAN REVIEW INC.	2,620.33
CHARLEVOIX SEWER & DRAIN	610.00	OMS COMPLIANCE SERVICES INC	202.50
CHARTER COMMUNICATIONS	953.60	OTEC	335.90
CHEMICAL SYSTEMS INC.	1,872.00	PARASTAR INC.	1,226.55
CINTAS CORPORATION	138.26	PERFORMANCE ENGINEERS INC	10,771.50
CIRCLE K SERVICE	1,893.30	PERSONAL GRAPHICS	421.50
CITY OF CHARLEVOIX - MISC	2,585.13	POLLUTION CONTROL SERVICES INC	2,755.72
CITY OF CHARLEVOIX - UTILITIES	38,514.12	POND HILL FARM LLC	189.00
COAST TO COAST COMPUTER	294.97	POWER LINE SUPPLY	431.00
COOK FAMILY FARMS	54.00	PURITY CYLINDER GASES INC	336.58
CORRADI, ROSEMARY	26.97	QUILL CORP	282.78
DHASELEER, CARL	83.00	R & R PRODUCTS INC	730.79
EARTH ART	2,800.00	RAMEY, PAUL	33.00
EJ USA INC.	1,554.70	ROLYAN BUOYS	591.00
ELHORN ENGINEERING COMPANY	1,608.00	ROTARY CLUB OF CHARLEVOIX	75.00
ELLSWORTH FARMER'S EXCHANGE	799.65	RTI LABORATORIES INC.	280.00
FAMILY FARM & HOME	309.60	SAXON INCORPORATED	43.89
FARMER WHITE'S	106.00	SCHMUCKAL OIL CO	677.60
FASTENAL COMPANY	75.31	SECURITY SANITATION INC.	380.00
FREEDOM MAILING SERVICES INC.	2,383.35	SHINDORF BUILDERS	566.00
GRAND TRAVERSE GARAGE DOOR	156.25	SIEGRIST, DAVID	36.00
GUNTZVILLER, RHONDA	51.00	SPARTAN DISTRIBUTORS INC	268.63
HERRIMAN, RANDY	39.94	SPOK INC	70.06
HYDE SERVICES LLC	4,749.00	STANDARD ELECTRIC CO	952.18
HYDRO DESIGNS INC.	515.00	STATE OF MICHIGAN	50.00

STRIKER SUPPLY	140.00	USA BLUE BOOK	171.98
SWIDORSKI, RAYMOND	99.00	VILLAGE GRAPHICS INC.	376.40
TIMMS, ROBERT	200.00	WASHBURNE, BRENDA	33.00
TRI-TURF	264.96	WHITLEY, ANDREW	14.00
UNITED HEALTHCARE SERVICES INC.	1.29	WILBERT BURIAL VAULT CO	157.84
UP NORTH PROPERTY SERVICES LLC	3,500.00	ZIELINSKI, JOSEPH A.	468.57
UPPER CASE PRINTING INK.	1,247.64	TOTAL	253,984.69

Tax Disbursement – 10/21/2014

BUCHMAN, CLIFFORD	122.18	CHARLEVOIX PUBLIC SCHOOLS	271.21
CHARLEVOIX COUNTY TREASURER	20,732.26	CHARLEVOIX PUBLIC SCHOOLS	1,696.11
CHARLEVOIX COUNTY TREASURER	258.90	CITY OF CHARLEVOIX - TAXES DUE	24,393.65
CHARLEVOIX DISTRICT LIBRARY	99.28	NORTHERN QUARTERS LLC	57.68
CHARLEVOIX PUBLIC SCHOOLS	22,327.30	RECREATIONAL AUTHORITY	17.79
CHARLEVOIX PUBLIC SCHOOLS	3,683.09	TOTAL	73,659.45

ACH Payments – 10/06/2014 – 10/13/2014

MI Public Power Agency	14,752.45	State of MI (Withholding Tax)	4,730.73
Payment Service Network	212.90	Vantagepoint (401 ICMA Plan)	728.06
State of MI (Sales Tax)	24,553.57	Vantagepoint (457 ICMA Plan)	13,122.52
IRS (Payroll Tax Deposit)	33,439.30	MI Public Power Agency	12,519.04
Alerus Financial (HCSP)	270.00	TOTAL	104,328.57

PAYROLL: NET PAY

Pay Period Ending 10/04/2014 – Paid 10/10/2014

GIBSON, SHIRLEY J.	858.85	LAVOIE, RICHARD L.	1,426.72
PORTER, JEFFREY L.	378.82	STEVENS, BRANDON C.	1,188.72
PERRON, LEON R.	466.92	DRAVES, MARTIN J.	1,718.31
BRENNAN, PEGGY L.	766.50	ELLIOTT, PATRICK M.	1,732.19
WELLER, LINDA JO	1,278.99	WELLS JR., DONALD E.	1,572.55
STRAEBEL, ROBERT J.	2,528.30	BRADLEY, KELLY R.	1,230.69
GOLDING, JOYCE M.	1,053.34	WILSON, RICHARD J.	1,171.93
DEROSIA, PATRICIA E.	871.03	HART II, DELBERT W.	742.43
LOY, EVELYN R.	1,017.15	JONES, ROBERT F.	1,253.44
KLOOSTER, ALIDA K.	1,632.15	DORAN, JUSTIN J.	1,325.97
BROWN, STEPHANIE C.	1,067.74	MARTINEZ, STANLEY A.	284.99
SPENCER, MICHAEL D.	1,524.76	MANKER JR, DAVID W.	415.59
SPENCLEY, PATRICIA L.	1,063.89	MANKER SR, DAVID W.	700.76
MILLER, FAITH G.	27.96	NEUMANN, DANA L.	508.87
PEARSON, BETHANY S.	1,248.39	BECKER, MICHAEL S.	594.17
ZIELINSKI, JOSEPH A.	1,735.63	NICHOLS, RUSSELL N.	527.15
DOAN, GERARD P.	1,758.02	HAWKINS, JAMES S.	359.31
SHRIFT, PETER R.	1,123.38	MCGHEE, ROBERT R.	910.80
SCHLAPPI, JAMES L.	1,124.51	STANTS, JACOB W.	435.78
UMULIS, MATTHEW T.	1,282.84	BLOOMER, GABRIELLE J.	472.22
HANKINS, SCOTT A.	1,490.16	KIRINOVIC, THOMAS F.	644.47
ORBAN, BARBARA K.	1,329.85	HEID, THOMAS J	1,273.19
TRAEGER, JASON A.	1,219.29	STEIN, DONNA E.	18.94
WARNER, JANINE M.	1,188.62	RYPSTRA III, BART	40.03
EVANS JR, HALBERT K.	1,424.26	MACLEOD, SAMUEL R.	325.65
LEE, LOREN G.	172.65	STEIN, MARK G.	23.79
FLICKEMA, ANDREW M.	499.76	VANLOO, JOSEPH G.	521.45
BINGHAM, LARRY E.	579.07	TABER, HOLLY S.	243.00
BRANDI, MAURA E.	92.35	WYMAN, MATTHEW A.	1,377.55
ACHARYA, VARUN R.K.	86.75	DRAVES, MICHAEL J.	553.47
SCHWARTZFISHER, JOSEPH L.	1,076.91	SCHRADER, LOU ANN	546.25
ROLOFF, ROBERT P.	1,094.84	SCHWAGER, EDWARD J.	1,152.40
BRODIN, WILLIAM C.	2,025.82	RILEY, DANIEL A.	132.68
RILEY, DENISE M.	483.13	CARLSON JR., NORMAN	1,766.39
TEUNIS, STEVEN L.	1,701.00	COLE, SHANE	616.43
WURST, RANDALL W.	1,440.65	GENNETT, LYLE E.	698.19
MAYER, SHELLEY L.	1,210.99	KLOOSTER, PATRICK H.	260.78
HILLING, NICHOLAS A.	1,091.78	BOSS, JOHN M.	86.75
MEIER III, CHARLES A.	1,612.15	LABELLE, DAVIS B.	209.53
ZACHARIAS, STEVEN B.	1,357.76	KLINGER, LUCAS D.	88.10
NISWANDER, JOSEPH F.	1,301.28	SPEGELE, GREYSON H.	92.35
FRYE, EDWARD J.	922.44	GLENNY, GRACE A.	86.75
JONES, TERRI L.	749.65	GREYERBIEHL, KELLY M.	600.61
EATON, BRAD A.	1,714.48	SWEM, DONALD L.	1,667.39
WILSON, TIMOTHY J.	2,137.53	WHITLEY, ANDREW T.	1,462.99

MORRISON, KEVIN P.	1,120.81	BOOTHE, STEVEN A.	39.24
HODGE, MICHAEL J.	1,093.83	DAVIS, RONALD L.	8.94
JOHNSON, STEVEN P.	1,120.34	GILL, DAVID R.	877.06
BISHAW, JAMES H.	525.67	TODD, RICHARD D.	228.56
CURTIS, DENNIS E.	906.72	TOTAL:	89,795.23

PAYROLL: TRANSMITTAL
10/10/2014

AMERICAN FAMILY LIFE	182.40	MI STATE DISBURSEMENT UNIT	401.83
AMERICAN FAMILY LIFE	269.17	NORTHWESTERN BANK	150.00
BAY WINDS FEDERAL CREDIT UNION	198.46	POLICE OFFICERS LABOR COUNCIL	382.00
CHAR EM UNITED WAY	65.50	PRIORITY HEALTH	1,778.53
CHARLEVOIX STATE BANK	1,171.16	TOTAL:	5,130.29
COMMUNICATION WORKERS OF AMER	531.24		