

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, May 4, 2015 – 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 Gabe Campbell.

I. Pledge of Allegiance

II. Roll Call of Members Present

Mayor: Gabe Campbell
City Attorney: Scott Howard
Interim City Manager: Mike Spencer
City Clerk: Joyce Golding
Members Present: Councilmembers Shane Cole, Shirley Gibson, Luther Kurtz, Leon Perron, Jeff Porter, Bill Supernaw
Absent: None

III. Inquiry Regarding Possible Conflicts of Interest

None.

IV. Consent Agenda

The following items were approved and filed:

- A. Approval of Minutes – April 20, 2015 Regular Meeting Minutes
- B. Approval of Minutes – April 27, 2015 Special Meeting Minutes
- C. Special Accounts Payable Check Register – April 22, 2015
- D. Special Accounts Payable Check Register – April 23, 2015
- E. Regular Accounts Payable Check Register – May 5, 2015
- F. Tax Disbursement – May 5, 2015
- G. ACH Payments – April 20, 2015 – April 27, 2015
- H. Payroll Check Register – April 24, 2015
- I. Payroll Transmittal – April 24, 2015

V. Public Hearings

A. Amendment to Title III – Parks and Public Grounds, Chapter 31 Parks – General Regulations, Section 3.3 Fireworks

The City of Charlevoix's Fireworks Ordinance currently reads "*No person shall discharge or set off any rocket, firecracker, Roman candle or firework containing any substance of an explosive or flammable nature in any public park or playground. This section shall not apply to special fireworks exhibitions made pursuant to a permit from the City.*"

The amended Fireworks Ordinance will be more detailed and will prohibit Chinese Lanterns (Sky Lanterns). It will list the specific holidays when fireworks are permitted: New Year's Day, Martin Luther King, Jr. Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, and Christmas Day. Fireworks will be allowed on the day before the holiday, the day of and the day following the holiday.

With the adoption of the amended Fireworks Ordinance, the citizens of Charlevoix will have a better understanding of what is and what is not legal and the holidays when fireworks are permitted. The adoption will also aid Charlevoix City police officers with enforcement of the Ordinance.

Chief Doan stated that some surrounding communities have adopted similar ordinances.

Mayor Campbell opened the item to public comment. There was no comment, and the item was closed.

VI. Reports

Interim City Manager Spencer stated that the Alice, Palmer and Hurlbut water mains have been installed. The State Street project has begun on schedule.

He also stated that he would like to discuss the availability of the old Charlevoix Hotel property under Miscellaneous Business.

VII. Requests, Petitions and Communications and Actions Thereon

A. Chamber of Commerce Presentation/Discussion

Allison Hubbard, President of the Charlevoix Area Chamber of Commerce presented a promotional and advertising summary for 2014 and she discussed 2015 goals, advertising, promotions, and events.

Councilmember Gibson expressed her appreciation for the communication received from the Chamber.

Interim City Manager Spencer stated that the multi-year contract with the Chamber will be discussed in 2016 when the term is close to expiring.

Councilmember Supernaw suggested a collective marketing campaign for Charlevoix County.

Mayor Campbell opened the item to public comment. There was no comment, and the item was closed.

B. Consideration of Contract with Charlevoix City Band

The Charlevoix City Band entertains residents in East Park on Tuesday evenings during the summer. The 2015-16 budget has \$3,000 allocated for the Charlevoix City Band to help defray the costs of providing musical programs to both residents and visitors.

Gary Stutzman, Charlevoix City Band Director, on behalf of the Board of Directors, presented a history of the band and requested that Council approve the 2015 contract between the City of Charlevoix and the Charlevoix City Band.

Councilmember Supernaw suggested that more groups should perform at the Pavilion.

Mayor Campbell opened the item to public comment. There was no comment, and the item was closed.

Motion by Councilmember Cole, second by Councilmember Gibson, to direct the Mayor to sign the contract with the Charlevoix City Band.

Yeas: Perron, Gibson, Cole, Supernaw, Porter, Kurtz

Nays: None

Absent: None

C. Consideration of Approval for the Charlevoix Craft Beer Festival

The Bridge Street Tap Room, Lake Charlevoix Brewing Company and Downtown Development Authority will be presenting the 2nd Annual Charlevoix Craft Beer Festival on June 5-6 in Bridge Park. Over 20 Michigan breweries and cideries from around the state will be participating. This year, there will be a silent auction to raise money for the Main Street Program.

The City of Charlevoix City code, Section 3.14 (alcoholic beverages – consumption prohibited in certain places), states:

It shall be unlawful for any person to consume alcoholic beverages in any part of any park which lies within one thousand (1,000) feet of U.S. Highway 31, except that such restriction does not extend to privately owned vessels moored in the yacht basin nor does it extend to any specific function authorized by the city manager, provided, however, that any person or persons or legal entity authorized to control any playground, recreational area or athletic field covered by the chapter which property is not owned, leased or rented by the City of Charlevoix, may extend authority to consume alcoholic beverages on said premises, upon written notification to the city manager.

Mayor Campbell opened the item to public comment. There was no comment, and the item was closed.

Motion by Councilmember Supernaw, second by Councilmember Cole, to authorize the [Interim] City Manager to waive the provision in the City Code under Title III: Parks and Public Grounds, Chapter 31, Section 3.14.

Yeas: Perron, Gibson, Cole, Supernaw, Porter, Kurtz

Nays: None

Absent: None

D. Discussion on Pre-determined Donation Acceptance Project List and Public Process

Interim City Manager Spencer stated that Charlevoix has been fortunate to receive numerous donations from individuals and groups for projects such as the mural, economic development studies and memorial benches. In the past two years, \$38,000 has been donated for memorial benches. This year we have three more bench requests, and at some given time, the City will reach a saturation point for memorial benches.

He suggested that a proactive process should be put in place to create a list of projects that have public support that donors can give to. Interim City Manager Spencer proposed that the former Donation Acceptance Review Committee be tasked with creating a process and list of projects for future donations.

Council generally consented to create a process for donations. Councilmember Gibson suggested reconvening the previous Donation Acceptance Review Committee. Interim City Manager Spencer indicated that he will gauge the interest of the previous members and report back to Council.

Councilmember Gibson felt that memorials should be limited in East Park.

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

- A. Amendment to Title III – Parks and Public Grounds, Chapter 31 Parks – General Regulations, Section 3.3 Fireworks
Motion by Councilmember Gibson, seconded by Councilmember Kurtz, to approve Ordinance No. 772 of 2015, as follows:

**CITY OF CHARLEVOIX
ORDINANCE NO. 772 of 2015**

**AN ORDINANCE TO AMEND TITLE III, PARKS AND PUBLIC GROUNDS, CHAPTER 31, PARKS – GENERAL REGULATIONS,
SECTION 3.3 – FIREWORKS ORDINANCE**

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Repeal Section 3.3 Fireworks of Title III, Chapter 31 of the Charlevoix City Code is hereby repealed in its entirety and replaced with the following:

The purpose of this Ordinance is to provide for the regulation of the ignition, discharge and use of Consumer Fireworks, as slowed under the Michigan Fireworks Safety Act, MCL 28.451 – 28.471.

Definitions:

3.3(1) Consumer Fireworks mean fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States consumer product safety commission, under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer Fireworks include Chinese Lanterns, but do not include Low-Impact Fireworks.

3.3(2) Fireworks means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects.

3.3(3) Low-Impact Fireworks mean ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

3.3(4) Chinese Lanterns also known as Sky Lanterns or Kongming Lanterns, are airborne paper lanterns construction from oiled rice or other paper on a frame, and contain a small candle or fuel cell composed of a waxy flammable material. . When lit, the flame heats the air inside the lantern causing the lantern to rise into the air. For purposes of this Ordinance, Chinese Lanterns shall be treated as Consumer Fireworks.

General:

3.3(5) Nuisance – No person shall make, continue, or cause to be made or continue, any loud, unnecessary, or unusual noise or any noise or audible effect, which injures or endangers the health, peace, or safety of others, within the limits of the City of Charlevoix. The ignition, discharge, or use of Consumer Fireworks on the days listed in paragraph 4 below shall not be considered a nuisance unless done so in a way which injures or endangers the health, peace, or safety of others. A person who violates this section is subject to a Municipal Civil Infraction, as prescribed in Chapter 31 of this Code of Ordinances.

3.3(6) No person shall fire, discharge, display or possess any fireworks except of the type and under the conditions permitted under the Michigan Fireworks Safety Act, MCL 29.451 – 28.471, as may be amended.

3.3(7) No person shall bring into a park, have in their possession, set off, or otherwise cause to explode in a park, public land, or public right-of-way, any firecrackers, torpedoes, rockets, or other fireworks or explosives, or discharge or throw them into any park, public land, or public right-of-way, from land adjacent thereto, provide only that a special permit may be granted by the City of Charlevoix Council and the fire chief, which should include restrictions as to time and location.

3.3(8) The ignition, discharge, or use of Consumer Fireworks prohibited all days of the year except the day preceding, the day of, or the day after a national holiday, those being the following:

- New Year's Day, January 1
- Birthday of Martin Luther King Jr., the third Monday in January

- Washington's Birthday, the third Monday in February
- Memorial Day, the last Monday in May
- Independence Day, July 4
- Labor Day, the first Monday in September
- Columbus Day, the second Monday in October
- Veteran's Day, November 11
- Thanksgiving Day, the fourth Thursday in November
- Christmas Day, December 25

SECTION 2. Severability.

No other portion, paragraph or phase of the Code of the City of Charlevoix, Michigan shall be affected by this Ordinance except as to the above sections, and in the event any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or of the Code of the City of Charlevoix, Michigan.

SECTION 3. Effective Date.

This Ordinance shall become effective thirty (30) days after its enactment.

Ordinance No. 772 was adopted on the 4th day of May 2015 A.D., by the Charlevoix City Council as follows:

Motion by: Councilmember Gibson
Seconded by: Councilmember Kurtz

Yeas: Perron, Gibson, Cole, Supernaw, Porter, Kurtz
Nays: None
Absent: None

State of Michigan)
) ss
City of Charlevoix)

XI. Miscellaneous Business

Interim City Manager Spencer discussed the former Charlevoix Hotel property which is available for sale due to delinquent taxes. Staff is recommending that Council should waive the first right of refusal to purchase the property.

Councilmember Kurtz recused himself from this issue. All other Councilmembers agreed with Interim City Manager Spencer to forego purchasing the property.

Mayor Campbell opened the item to public comment. There was no comment, and the item was closed.

Motion by Councilmember Supernaw, second by Councilmember Cole, to authorize the City Treasurer to sign the paperwork declining the purchase of the property.

Yeas: Perron, Gibson, Cole, Supernaw, Porter
Nays: None
Absent: None
Abstained: Kurtz

Councilmember Kurtz stated that he would be open to establishing a dress code for Councilmembers. Council generally agreed that a dress code was not necessary.

Councilmember Perron believed that a joint meeting with Council and the DDA was not prudent at this time. If Council has questions or disputes regarding future DDA budgets, then a meeting could be scheduled prior to the budget work session. Mayor Campbell and Councilmember Cole agreed.

Interim City Manager Spencer will follow up with legislators regarding the request for assistance with water main repairs.

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

Joshua Mack, Sunshine Charters, spoke in detail regarding the lack of way-finding signage for the marina district and the difficulties this causes for the marina businesses. He also discussed the lack of parking in the area, the necessity to purchase parking spaces and the two hour meter limits which are insufficient for his business specifically. Mr. Mack stated that marina district business owners are willing to work with Council and Staff to remedy these two important issues.

It was suggested that Mr. Mack participate as a member of the newly formed Main Street Design Committee, with which he agreed.

Discussion ensued between Council, Interim City Manager Spencer, Chief Doan and Mr. Mack. Interim City Manager Spencer stated that he will discuss possible ways to remedy the issues with the involved parties and Staff and bring options back to Council as soon as possible.

Councilmember Porter stated that marina district businesses should not permit employee parking on the waterfront and the Dock Master parking place should be eliminated.

A 1st Ward resident suggested that a valet or shuttle service could be implemented between the airport and downtown to enable offsite parking at the airport.

Councilmember Kurtz disagreed that businesses should not have to pay for parking for their customers and that fee-based parking should be part of the discussion.

Mayor Campbell expressed his appreciation for the community support he received with regards to the passing of his wife.

XIII. Adjourn

Motion by Councilmember Supernaw, second by Councilmember Cole to adjourn. Motion passed by unanimous voice vote.
 Meeting adjourned at 8:39 p.m.

Joyce Golding	City Clerk	Gabe Campbell	Mayor
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Special Accounts Payable – 04/22/2015

AT&T	1,902.17	METLIFE SMALL BUSINESS CENTER	700.71
AT&T LONG DISTANCE	36.63	NEOFUNDS BY NEOPOST	5,060.50
AT&T MOBILITY	72.81	PRIORITY HEALTH	43,770.88
CHARLEVOIX STATE BANK	2,749.04	VERIZON WIRELESS	56.72
DELTA DENTAL	4,465.23	VISION SERVICE PLAN	550.67
DTE ENERGY	3,770.58		
GREAT LAKES ENERGY	247.62	TOTAL	63,383.56

Special Accounts Payable – 04/23/2015

DEVERE CONSTRUCTION COMPANY	575,959.43	TOTAL	575,959.43
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Accounts Payable – 05/05/2015

AIRGAS USA LLC	174.02	EMERGENCY MEDICAL PRODUCTS INC	150.08
ALTEC INDUSTRIES INC	726.27	ENMET CORP	227.52
ARGUS/HAZCO	149.00	ETNA SUPPLY	4,026.00
AVFUEL CORPORATION	11,746.82	EVANS, HAL	41.00
BLARNEY CASTLE OIL CO	705.10	FIRE ENGINEERING	29.00
BOB MATHERS FORD	1,314.02	FREEDOM MAILING SERVICES INC.	2,283.00
CARQUEST OF CHARLEVOIX	1,358.50	FRONT LINE SERVICES INC.	353.95
CENTRAL DRUG STORE	90.80	GALLO, JAMES	2.81
CHAMPION CHARTER	589.82	GALLS AN ARAMARK COMPANY	331.67
CHARLEVOIX CONVENTION &	2,000.00	GARAGE DOOR SERVICES INC.	586.40
CHARLEVOIX SCREEN MASTERS INC	423.00	GINOP SALES INC	1,769.45
CINTAS CORPORATION	116.62	GOLDING, JOYCE	41.00
CINTAS CORPORATION #729	30.00	GORDON FOOD SERVICE	166.81
DCASSESSING SERVICES	4,371.08	HACH COMPANY	1,100.91
DeROSIA, PATTY	41.00	HANKINS, SCOTT	73.90
DOAN, GERARD	41.00	HARBOR STEEL & SUPPLY CORP	640.00
DOMAIN LISTINGS	105.00	HARRELL'S	1,859.80
DORAN, JUSTIN J.	67.85	HEID, THOMAS J.	95.32
DOYLE, ANNIE	41.00	HOLIDAY COMPANIES	4,610.63
EJ USA INC.	8,462.88	HYDE SERVICES LLC	21.42
ELECTION SYSTEMS & SOFTWARE	31.60	INDEPENDENT DRAFTING SERVICES	1,216.00
ELLIOTT, PATRICK M.	41.00	J & B MEDICAL SUPPLY INC.	387.97

JACK DOHENY SUPPLIES INC	1,995.01	QUICK CARE MEDICAL CENTER	55.00
KASSBOHRER ALL TERRAIN VEHICLE	4,114.85	RILEY, JEFF	95.00
KIRINOVIC, THOMAS	76.00	SCHWEITZER ENGINEERING	
KLOOSTER, ALIDA K.	41.00	LABORATORIES INC	31,160.00
KSS ENTERPRISES	1,122.45	SEELEY'S PRINTING SERVICE	297.50
LAKESHORE TIRE & AUTO SERVICE	188.90	SIGNATURE FORD L-M	23,742.00
McGINN, KELLY	41.00	SPENCER, MICHAEL	41.00
MYER, ELIZABETH A.	41.00	SPOK INC	678.84
N M A C P	50.00	STATE OF MICHIGAN	120.00
NFPA	165.00	STATE OF MICHIGAN	5,215.22
NORTH COAST FASTENERS LLC	330.40	SUPERIOR MECHANICAL	367.39
NORTHERN LAKES	100.00	SWEM, DONALD L.	41.00
NORTHERN MICHIGAN JANITORIAL	69.90	TEUNIS, STEVEN	41.00
NORTHWEST DESIGN GROUP	239.50	TRAVERS, MANUEL J.	17.43
OLD DOMINION BRUSH	3,219.60	UP NORTH PROPERTY SERVICES LLC	490.00
OLSON BZDOK & HOWARD	3,069.00	VERIBANC INC.	432.00
ORBAN, BARBARA	14.00	WATERMAN, GREG	23.63
OTEC	878.75	WELLER, LINDA	41.00
OWENS, MAUREEN	100.00	WHITLEY, ANDREW	14.00
PARASTAR INC.	1,393.25	WORK & PLAY SHOP	1,322.81
POWER LINE SUPPLY	8,792.12	WYMAN, MATTHEW A.	41.00
PREIN & NEWHOF	30,434.92		
PRO WEB MARKETING LLC	30.00	TOTAL	173,383.49

Tax Disbursement – 05/05/2015

CHARLEVOIX COUNTY TREASURER	802.20	CHARLEVOIX-EMMETT ISD	330.54
CHARLEVOIX COUNTY TREASURER	144.93	CITY OF CHARLEVOIX - TAXES DUE	1,664.59
CHARLEVOIX DISTRICT LIBRARY	273.55	RECREATIONAL AUTHORITY	49.60
CHARLEVOIX PUBLIC SCHOOLS	225.80	STATE OF MICHIGAN	2,852.25
CHARLEVOIX PUBLIC SCHOOLS	16.64		
CHARLEVOIX PUBLIC SCHOOLS	103.99	TOTAL	6,464.09

ACH Payments – 04/20/2015 – 04/27/2015

MI PUBLIC POWER AGENCY	15,414.24	VANTAGEPOINT (401 ICMA PLAN)	14,230.32
IRS (PAYROLL TAX DEPOSIT)	35,550.43	MERS (DEFINED BENEFIT PLAN)	29,671.73
ALERUS FINANCIAL (HCSP)	370.00	MI PUBLIC POWER AGENCY	260,966.93
STATE OF MI (WITHHOLDING TAX)	5,041.70	TOTAL	361,245.35

PAYROLL: NET PAY

Pay Period Ending 04/18/2015 – Paid 04/24/2015

WELLER, LINDA JO	1,620.72	WURST, RANDALL W.	1,492.19
GOLDING, JOYCE M.	1,059.15	MAYER, SHELLEY L.	1,373.99
DEROSIA, PATRICIA E.	880.34	HILLING, NICHOLAS A.	1,375.31
DOYLE, ANNE E.	1,385.05	MEIER III, CHARLES A.	1,503.58
LOY, EVELYN R.	1,017.73	ZACHARIAS, STEVEN B.	1,565.23
KLOOSTER, ALIDA K.	1,447.08	NISWANDER, JOSEPH F.	1,417.94
SPENCER, MICHAEL D.	2,076.83	JONES, TERRI L.	961.45
SPENCLEY, PATRICIA L.	1,374.03	EATON, BRAD A.	2,906.94
PANOFF, ZACHARY R.	626.91	WILSON, TIMOTHY J.	2,615.07
LEESE, MERRI C.	147.50	LAVOIE, RICHARD L.	3,041.15
MCGINN, KELLY A.	1,585.98	STEVENS, BRANDON C.	2,202.85
DOAN, GERARD P.	1,664.94	DRAVES, MARTIN J.	1,673.06
SHRIFT, PETER R.	1,174.15	BROWN, STEPHANIE C.	1,023.65
SCHLAPPI, JAMES L.	998.83	ELLIOTT, PATRICK M.	2,612.14
UMULIS, MATTHEW T.	1,208.96	WELLS JR., DONALD E.	2,835.99
HANKINS, SCOTT A.	1,489.79	BRADLEY, KELLY R.	1,592.62
ORBAN, BARBARA K.	1,306.07	WILSON, RICHARD J.	1,249.09
TRAEGER, JASON A.	1,210.28	HART II, DELBERT W.	1,090.22
WARNER, JANINE M.	851.52	JONES, ROBERT F.	1,101.92
SCHWARTZFISHER, JOSEPH L.	1,181.76	DORAN, JUSTIN J.	1,862.82
ROLOFF, ROBERT P.	3,029.38	MANKER JR, DAVID W.	225.73
BRODIN, WILLIAM C.	1,459.53	HAWKINS, JAMES S.	71.31
RILEY, DENISE M.	388.62	MCGHEE, ROBERT R.	1,038.32
TEUNIS, STEVEN L.	1,681.68	STANTS, JACOB W.	296.18

KIRINOVIC, THOMAS F.	573.67	TRAVERS, MANUEL J.	796.15
FORRESTER, KATHERINE A.	254.95	RILEY, DANIEL A.	748.19
AMSTUTZ, LINDA J.	116.36	WHITLEY, ADAM	66.07
HEID, THOMAS J	1,252.44	SWEM, DONALD L.	1,808.24
GRUNCH, RONALD J.	109.92	WHITLEY, ANDREW T.	2,833.88
RYPSTRA III, BART	96.79	MORRISON, KEVIN P.	1,448.41
DAVIS, RONALD L.	120.83	HODGE, MICHAEL J.	1,276.58
MYER, ELIZABETH A.	1,622.72	JOHNSON, STEVEN P.	997.85
VANLOO, JOSEPH G.	621.96	BISHAW, JAMES H.	372.24
WYMAN, MATTHEW A.	955.66	HOLM, ARTHUR R.	107.07
DRAVES, MICHAEL J.	414.40	CURTIS, DENNIS E.	859.14
SCHRADER, LOU ANN	482.14	GILL, DAVID R.	910.91
SCHWAGER, EDWARD J.	599.27	TODD, RICHARD D.	230.65
FUNKEY, KRAIG R.	110.82	STEVENS, JEFFREY W.	450.44
RILEY, TIMOTHY C.	39.65	ROLOFF, AUDREY M.	1,754.45
RAMSEY, KYLE J.	29.65	MATTER, DAWSON K.	1,171.34
RILEY, CASEY W.	294.73	SCOTT JR., WINFIELD	26.42
THORMAN, MIKAYLA R.	171.46	KITELEY, FISHER L.	52.86
JONES, LARRY M.	590.30	BERGMANN, DOUGLAS M.	26.42
LOPER II, GARY D.	343.58		
WILLSON, BRENDA R.	27.89	TOTAL	92,762.08

PAYROLL: TRANSMITTAL - 04/24/2015

4FRONT CREDIT UNION	218.46	CHEMICAL BANK	150.00
AMERICAN FAMILY LIFE	145.20	COMMUNICATION WORKERS OF AMER	530.68
AMERICAN FAMILY LIFE	271.20	MI STATE DISBURSEMENT UNIT	502.40
CHAR EM UNITED WAY	32.00	PRIORITY HEALTH	1,784.24
CHARLEVOIX STATE BANK	1,021.16	TOTAL	4,655.34