

**CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, May 1, 2017 – 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 Luther Kurtz.

1. Pledge of Allegiance

2. Roll Call

Mayor: Luther Kurtz
Members Present: Councilmembers Shane Cole, Shirley Gibson, Aaron Hagen, Janet Kalbfell, Tom Oleksy, Leon Perron
Members Absent: None
City Manager: Mark Heydlauff
City Clerk: Joyce Golding

3. Presentations

A. Junior Main Street Committee Project

High school seniors from Ms. Ann Marie Conway's class presented a project that they are proposing for the Junior Main Street Committee that includes the development of an interactive downtown Charlevoix mobile app titled "Life in Charlevoix." The app would be built by a company called Mobile Town Guide and have several beneficial features including a business directory, interactive walking tours, events calendar, job opportunities, etc. Some additional features could allow businesses to offer specials that are exclusive to app users and push notifications to all app users about festivals, road closures, etc.

4. Inquiry Regarding Conflicts of Interest

None.

5. Consent Agenda

All items listed under Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion of an item is required, it will be removed from the Consent Agenda and considered separately.

- A. City Council Meeting Minutes – April 17, 2017 Regular Meeting
- B. Special Accounts Payable Check Register – April 20, 2017
- C. Regular Accounts Payable Check Register – May 2, 2017
- D. ACH Payments – April 17, 2017 to April 25, 2017
- E. Payroll Check Register – April 21, 2017
- F. Payroll Transmittal – April 21, 2017
- G. Tax Disbursement – May 2, 2017
- H. Revised Signature Card for Huntington Bank

**CITY OF CHARLEVOIX
RESOLUTION NO. 2017-05-01
Resolution to Open and Maintain a Huntington Bank Account**

The undersigned hereby certifies to The Huntington National Bank that: I am the Mayor of the City of Charlevoix and, as such, I am familiar with the records and proceedings of the City of Charlevoix (the "Public Entity"), a governmental entity duly organized and existing under the laws of the State of Michigan the following is a true, accurate and compared copy of resolutions duly adopted by the Public Entity, and that the resolutions have not been rescinded, modified or revoked and are in full force and effect.

RESOLVED, that:

- (i) *The Huntington National Bank (the "Bank"), as a national banking association, is qualified under applicable law and regulations to be a depository for the Public Entity and is hereby designated as a depository of the Public Entity;*
- (ii) *one or more account(s) may be opened and maintained in the name of the Public Entity, in accordance with the rules and regulations or procedures of the Bank pertaining to such accounts as amended by the Bank from time to time, or as otherwise amended by a written agreement between the Public Entity and Bank;*
- (iii) *any of the individuals whose names are set forth in (iv), below or, whose genuine signatures appear on separate cards dated and filed with the Bank, (collectively the "Authorized Signatories" and individually an "Authorized Signatory") are hereby authorized to act individually on behalf of the Public Entity and in its name to:*
 - a. *sign checks, drafts, notes, bills of exchange, acceptances, or other orders for payment of funds from any account maintained by the Public Entity;*

- b. *indorse checks, drafts, notes, bills, certificates of deposit, or other instruments owned or held by the Public Entity for deposit in any such account, or for collection or discount by the Bank;*
- c. *identify, approve and guarantee the endorsements of any and all checks and drafts drawn by the Public Entity;*
- d. *waive demand, protest, and notice of protest, or dishonor of any check, draft, note, bill, certificates of deposit or other instruments made, drawn, or indorsed by the Public Entity;*
- e. *act for the Public Entity in the transaction of all other business (whether or not it is of the kind, nature or character specified in this certificate) on the Public Entity's behalf with the Bank, including but not limited to executing contracts and delegating person to engage in transaction in connection with such contracts;*
- f. *open and maintain an account in the name of the Public Entity (any account so opened shall be bound by the provisions of this certificate);*
- g. *certify to the Bank the names of the Authorized Signatories and shall certify such change to the Bank, and the Bank shall be fully protected in relying on such certification, or refusing to honor the signature of any individual not so certified;*
- h. *delegate other person(s) to perform any of the foregoing acts;*

(iv) *Names or Titles of Authorized Signatories:*

*Kelly McGinn- Treasurer
Alida K. Klooster- Asst. Treasurer
Joyce Golding- Clerk*

FURTHER RESOLVED, that:

- (i) *the Bank is authorized to honor, receive, certify, or pay all instruments signed in accordance with this certificate even though drawn or indorsed to the order of any Authorized Signatory signing the same, tendered for cash, or in payment of a personal obligation or for deposit into a personal account of said Authorized Signatory and the Bank is not required or obligated to inquire into the circumstances of the issuance or use of any instrument signed in accordance with this certificate, or the application, or disposition of such instrument, or the proceeds thereof;*
- (ii) *overdrafts, if any, shall not be considered to be a loan; and*
- (iii) *the provisions of this certificate shall remain in full force and effect until written notice of its amendment or rescission shall have been received by the Bank and the Bank has a reasonable amount of time to act upon such notice, and that receipt of such notice shall not affect any action taken by the Bank prior thereto.*

FURTHER RESOLVED, that the undersigned be, and hereby is, authorized and directed to certify to the Bank the foregoing resolutions and that the provisions thereof are in conformity with the laws and regulations governing the Public Entity.

I further certify that there is no provision in the law or regulations governing the Public Entity which limits the power of the Public Entity to pass the foregoing resolutions and that the same are in conformity with the law and regulations governing the Public Entity, have not be modified or rescinded and are in full force and effect.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 1st day of May, 2017.

Public Official: Luther Kurtz, Mayor Witness: Joyce M. Golding, City Clerk

RESOLVED this 1st day of May, 2017 A.D.

Resolution was adopted by the following yea and nay vote:

*Yeas: Hagen, Kalbfell, Perron, Gibson, Cole, Oleksy
Nays: None*

Motion by Councilmember Gibson, second by Councilmember Kalbfell, to approve the Consent Agenda.

*Yeas: Hagen, Kalbfell, Perron, Gibson, Cole, Oleksy
Nays: None*

6. Public Hearings & Actions Requiring Public Hearings

A. Ethical Conduct Ordinance

City Manager Heydlauff stated that after several weeks, the final draft of the Ethical Conduct Ordinance is being presented this evening for consideration.

Mayor Kurtz opened public hearing at 7:14 p.m.

John Haggard shared some history related to former Council members and their potential conflicts of interest over the years. He noted that none ever had a problem. He felt that this ordinance would impose harsh restrictions and would hamper people from running for public office. Mr. Haggard also felt that it was inappropriate to even consider the proposed ordinance.

Scott Beatty cited several examples of potential conflicts of interests with the current Council. He stated that Council should be recused from deliberating or voting on an issue but their freedom of speech should be preserved. Mr. Beatty stated that "we are all entitled to express our views and simply because you are elected to Council, doesn't mean your right to express that view should be cut off." He felt that the language in the ordinance was unclear therefore the ordinance should not be passed in its current form.

The public hearing was closed at 7:23 p.m.

Councilmember Oleksy read the first paragraph of the proposed Ordinance.

Councilmember Gibson stated that the ordinance was "good government".

Motion by Councilmember Gibson, second by Councilmember Perron, to adopt Ordinance 782 of 2017.

Councilmember Kalbfell agreed with Mr. Beatty in so much as a Council member who recuses themselves from a topic should be allowed their free speech just as any other citizen. She agreed that some language in the ordinance needed to be deleted.

Councilmember Gibson stated "I don't think when you're elected, that when you step down [from the dais], all of a sudden you are a private citizen." She respectfully disagreed.

Councilmember Perron commented that there was a disagreement on the definition of "recusal." He felt that a recused Council member should not take any actions that influence the debate.

Councilmember Hagen agreed with Mr. Beatty's suggestion of clarifying the verbiage in the ordinance.

Councilmember Kalbfell reiterated Mr. Beatty's comment that if a recused Council member has knowledge that is needed by Council to make a decision the member should be allowed to speak as a member of the public.

Councilmember Gibson felt that a recused Council member should not debate or answer questions. She felt all pertinent information should be included in the agenda packet so no one has to ask a question.

Councilmember Kalbfell stated that if Council cannot separate public comments from being influenced, it is not the fault of the recused member. Councilmember Cole agreed.

Yeas: Perron, Gibson, Oleksy

Nays: Hagen, Kalbfell, Cole

Motion failed.

**CITY OF CHARLEVOIX
ORDINANCE NO. 782 of 2017**

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CHARLEVOIX BY ADDING A NEW CHAPTER, WHICH NEW CHAPTER SHALL BE DESIGNATED AS CHAPTER 10 OF TITLE 1 – ADMINISTRATION OF SAID CODE

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Title I, Chapter 10, Sections 1.801 through 1.806 of the City Code are hereby added as follows:

**CHAPTER 10
ETHICAL CONDUCT**

1.801. Ethical Conduct.

- (1) *The citizens of Charlevoix are entitled to have fair, ethical and accountable local government that has earned the public's full confidence for integrity.*
- (2) *Furthermore, the effective functioning of democratic government requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; public officials be independent, impartial and fair in their judgment and actions; public office be used for the public good, not for personal gain; and public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.*

- (3) *To this end, the Charlevoix City Council adopts this ordinance to assure public confidence in the integrity of local government and its effective and fair operation. Serving in local government is the holding of public trust. This trust should never be undermined.*

In all actions, employees, the City Manager, and City Council members will adhere to all local, state and federal laws regulating ethical action. Various professional codes of ethics and other similar documents may be used to supplement determinations of ethical conduct.

1.802. Conflicts of Interest.

- (1) *Conflicts of interest will naturally occur from time to time and in such cases when they may or do in fact arise, should be presented publicly to diminish the potential of actual or perceived special interests.*
- (2) *Definitions. For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.*
- (a) *“Conflict of interest” may occur when action by the city, either through its employees, its boards, committees, commissions or other such bodies, or the City Council, could be construed as impacting negatively or positively an interest of an employee or Council Member, his or her relatives, business or financial investments, property, or other interests.*
- (b) *“Immediate family” shall mean the spouse, child, parents, brother, sister, half-sister, half-brother or the spouses of any listed relatives. All relationships shall include those arising from adoption and marriage.*
- (c) *“City Council”, except where specifically referred to, shall refer to the Mayor and each member of the City Council.*
- (d) *“Boards, Commissions, Committees” shall refer to those boards, committees, commissions, or other bodies created by statute, local ordinance, resolution, local policy and any and all subcommittees those bodies may, from time to time, create.*
- (3) *City Council reporting of conflicts of interest.*
- (a) *If a case may arise when a Council Member or the Mayor has a conflict of interest, he or she shall make known the potential conflict in open session when City Council business might involve such interest. The Council Member or Mayor need not provide detail on the potential conflict so as to injure a client or patient relationship.*
- (b) *In addition to the general rule on conflicts of interest above, the following specific conflicts of interest are specifically prohibited:*
- (i) *Holding of other offices. No Council Member shall hold any other city office or employment during the term for which they were elected to the Council except where specifically allowed by the Charter and/or statute.*
- (ii) *Voting involving a conflict of interest. No member of the Council shall vote on any question in which he, she or a member of their immediate family as defined in this subchapter, has a financial interest, other than the common public interest, or on any question concerning his or her own conduct. Council Members who may have a financial interest shall state such interest and then refrain from debating, commenting, or otherwise seeking to influence the Council on such question.*
- (iii) *If a member of City Council believes that another member of City Council has a conflict, he or she shall raise such perceived conflict. If the member in question does not concede a conflict, the majority of the remaining Council Members may vote to prohibit that Council Member or the Mayor who may have a conflict from participating in that item of business. The Council shall solely be the judge of its own members and the Mayor.*
- (4) *Board, Committee, Commission Conflicts of interest.*
- (a) *If a case may arise when a member of a board, committee, or commission has a conflict of interest, he or she shall make known the potential conflict in open session when the body might conduct business involving such interest. The member need not provide detail on the potential conflict so as to injure a client or patient relationship.*
- (b) *In addition to the general rule on conflicts of interest above, the following specific conflicts of interest are specifically prohibited:*
- (i) *Voting involving a conflict of interest. No member of the body shall vote on any question in which he, she or a member of their immediate family as defined in this subchapter, has a financial interest, other than the common public interest, or on any question concerning his or her own conduct. Members who may have a financial interest shall state such interest and then refrain from debating, commenting, or otherwise seeking to influence the Council on such question.*
- (ii) *If a member believes that another member has a conflict, he or she shall raise such perceived conflict. If the member in question does not concede a conflict, the majority of the remaining body members may vote to prohibit that member who may have a conflict from participating in that item of business.*
- (5) *City Manager reporting of conflicts of interest.*
- (a) *If a case may arise when the City Manager has a conflict of interest, he or she shall make written notification of such conflict to the Mayor and the City Clerk. To the extent possible, the City Manager’s involvement in the situation will be minimized to avoid the appearance of impropriety. The City Manager’s conduct shall at all times be in accord with the ICMA Code of Ethics.*
- (b) *It shall not be deemed a conflict of interest by the City Manager to enforce or cause to be enforced zoning or ordinance violations in keeping with standard practice. It shall also not be deemed a conflict of interest for action to be*

taken by the city to improve or otherwise conduct normal public activities in the neighborhood where the City Manager may reside.

- (6) *Employee reporting of conflicts of interest. If a case may arise when an employee of the city or the city's Attorney, Auditor, or other professional contractor may have a conflict of interest, he, she, or the corporation, partnership or entity shall promptly report such conflict or potential conflict to the City Manager. The City Manager shall determine what steps if any may be necessary to avoid the potential for preferential or adverse action because of the conflict.*
- (7) *Council appearance before other bodies. City Council shall not appear before or seek to influence members of other Boards, Commissions, or Committees except when they may be appointed to such body, serve as a member by virtue of statute or Charter, or may be invited to address the body by a majority vote of the body.*
- (8) *General prohibition. The City Council, board, committee, and commission members, the City Manager, and city employees should not take any special advantage of services, goods or opportunity for personal gain that is not available to the public in general.*

1.803. Statutory Prohibitions.

In accord with Public Act 196 of 1973 (being M.C.L.A. §§ 15.342 et seq.) the following shall apply to members of the City Council, the City Manager, and all other employees of the city.

- (1) *Confidential information. The City Council, the City Manager, or an employee shall not divulge to an unauthorized person, confidential information acquired in the course of employment in advance of the time prescribed for its authorized release to the public.*
- (2) *Personal opinions. The City Council, the City Manager, or an employee shall not represent his or her personal opinion as that of the city.*
- (3) *Use of city resources. The City Council, the City Manager, or an employee shall use city personnel resources, property, and funds judiciously and solely in accordance with prescribed constitutional, statutory, and regulatory procedures and not for personal gain or benefit.*
- (4) *Acceptance of gifts. The City Council, the City Manager, or an employee shall not solicit or accept a gift or loan of money, goods, services, or other thing of value for the benefit of a person or organization, other than the state, which tends to influence the manner in which the public officer or employee or another public officer or employee performs official duties.*
- (5) *Use of office for private gain. The City Council, the City Manager or an employee shall not engage in a business transaction in which the public officer or employee may profit from his or her official position or authority or benefit financially from confidential information which the person has obtained or may obtain by reason of that position or authority. Instruction which is not done during regularly scheduled working hours except for annual leave or vacation time shall not be considered a business transaction pursuant to this division if the instructor does not have any direct dealing with or influence on the employing or contracting facility associated with his or her course of employment with this state.*
- (6) *Outside employment. The City Council, the City Manager, or an employee shall not engage in or accept employment or render services for a private or public interest when that employment or service is incompatible or in conflict with the discharge of the officer or employee's official duties or when that employment may tend to impair his or her independence of judgment or action in the performance of official duties.*
- (7) *Negotiation for private gain. Except in cases of an employment agreement or contract, the City Council, the City Manager, or an employee shall not participate in the negotiation or execution of contracts, making of loans, granting of subsidies, fixing of rates, issuance of permits or certificates, or other regulation or supervision relating to a business entity in which the person has a financial or personal interest.*

1.804. Non-Discrimination.

The city will not discriminate against any person in the provision of public service or employment on the basis of gender, race, creed, age, sexual orientation, language proficiency, income level, or any other legally protected classification. Such non-discrimination provisions may be limited by state or federal law.

1.805. Promulgation.

- (1) *The City Manager is authorized to draft policies, procedures, and other documents necessary to enforce provisions of this subchapter. To the extent deemed necessary, statements from this subchapter may be appended to contracts with outside vendors and contractors. The City Manager may also revise the city's Personnel Policy as needed to reflect this subchapter.*
- (2) *Upon approval of this ordinance and upon assuming office, the Mayor, Council Members, board, committee, and commission members, the City Manager and employees the City Manager may designate from time to time shall affirm their commitment to ethical conduct and this ordinance by signing the form below:*

As a _____ of the City of Charlevoix, I agree to uphold the Ethical Conduct Ordinance of the City of Charlevoix and conduct myself by the following model of excellence. I will:

- *Recognize the worth of all individuals and appreciate their individual talents, perspectives, and contributions;*
- *Help create an atmosphere of respect and civility where individual members, City staff, and the public are free to express their ideas and work to their full potential;*
- *Respect the dignity and privacy of individuals and organizations;*

- *Respect and maintain the nature of confidential and privileged information and opinions acquired as a result of my position;*
- *Conduct my public affairs with honesty, integrity, fairness and respect for others;*
- *Avoid and discourage conduct that is divisive or harmful to the best interests of Charlevoix; and*
- *Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit.*

I affirm that I have read and fully understand the Code of Ethics for the City of Charlevoix.

Signed

Dated

1.806. Penalty.

- (1) *Violations by Council members and board, commission, and committee members. Violation of any provision of by a member of the City Council or a board, commission, committee may be punishable by action of the City Council to censure, reprimand, or otherwise discipline its own members or those of a board. Additionally, violations may also be felonies or misdemeanors under state or federal law.*
- (2) *Violations by employees. Violation of any provision may subject an employee to punishment up to and including termination. In addition to employment disciplinary action, the city may seek remedy in a court of competent jurisdiction for damages.*

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.

7. All Other Actions & Requests

A. City Band Contract

Band Director Tom Harder recalled the history of the City Band and noted that there are operational costs associated with the band which the City has contributed toward in the past.

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

Motion by Councilmember Kalbfell, second by Councilmember Cole, to approve the contract [\$3,000] with the City Band and authorize the Mayor to sign the agreement.

Yeas: Hagen, Kalbfell, Perron, Gibson, Cole, Oleksy

Nays: None

B. Charlevoix Historical Society Depot Beach Request

City Manager Heydlauff stated that the Charlevoix Historical Society is celebrating the 125th anniversary of the historic railroad Depot. As part of the event, they also seek approval to paint temporary "railroad tracks" on the Depot Beach access road in front of the depot.

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

Motion by Councilmember Hagen, second by Councilmember Kalbfell, to approve the Charlevoix Historical Society's event requests for June 2017 at Depot Beach Park.

Yeas: Hagen, Kalbfell, Perron, Gibson, Cole, Oleksy

Nays: None

C. Road Closure Signage Purchase

Mayor Kurtz read a statement which discussed more benefits to year-round residents during festivals including the street closure during Venetian Festival and he noted that collaboration between the Township and City is a major Council goal. He expressed appreciation for the Township, City Staff and volunteers that create this successful event.

City Manager Heydlauff stated that the City generally rents signage from MDOT for \$7,000–\$8,000. MDOT estimates that purchasing the signage would cost \$7,500–\$10,000. The Charlevoix Township Fire Department agreed to facilitate the installation of the signage for events.

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

Motion by Councilmember Cole, second by Councilmember Gibson, to authorize City Staff to purchase road closure signage for downtown events and split the cost with the Downtown Development Authority.

Yeas: Hagen, Kalbfell, Perron, Gibson, Cole, Oleksy

Nays: None

D. Lake Michigan Beach Clean Up

Councilmember Perron explained that Lake Michigan Beach Park has a large number of dead, dying or fallen trees and cleaning the area by hand would prove to be very time consuming. Councilmembers Perron, Hagen and Oleksy requested that Council consider granting City Staff a one-time waiver of the Forestry Management Plan to have this area cleaned up using mechanical equipment after which it would be regularly maintained.

Mayor Kurtz opened the item to public comment.

John Campbell stated that the Shade Tree Commission will be discussing this topic at their May 4th meeting. He recalled the history of the park and provided an update on the trees at the park, replanting plans and invasive species management. Mr. Campbell suggested that the fall tree planting may include replacement trees at the park.

Mike Doherty stressed that Lake Michigan Beach is a park and should be maintained as a park.

The item was closed to the public.

Councilmember Perron did not want to wait until summer and was not in favor of using an outside contractor to perform the work.

Motion by Councilmember Perron, second by Councilmember Oleksy, to authorize City Staff to clean up dead, dying, and fallen trees from Lake Michigan Beach Park.

Yeas: Hagen, Kalbfell, Perron, Gibson, Cole, Oleksy

Nays: None

E. Schedule Public Hearing: Lake Michigan Beach/Park Avenue Fence Donation

City Manager Heydlauff recalled the Donation Acceptance Policy and he noted that the Planning Commission declined to make a recommendation regarding acceptance of the donation and handed the decision to Council.

John Campbell felt the public hearing was a good idea. He suggested that the City could install temporary flags defining the fence location and proposed parking area.

Councilmember Kalbfell questioned whether the Conservation Easement Committee would be amenable to moving the fence to the ridge. Mr. Campbell replied that the fence is intended to protect the park from vehicles parking helter-skelter on the property. Councilmember Kalbfell noted that the Police Chief did not confirm a parking problem. Mr. Campbell stated that parking was part of the Forestry Management Plan, but Councilmember Kalbfell cited the plan which only made general recommendations. She noted that visitors parked along Park Avenue to view the Earl Young homes or use the beach and she felt that "fences to me say stay in or stay out" and when it's that close to the road it tells people to stay out.

Mr. Campbell noted that there were problems with people visiting the mushroom houses and with traffic in the area. He stated that the area between the proposed fence and the beach would be replanted.

Mayor Kurtz opened the item to public comment.

Mary Millington, Park Avenue, felt that the street was not safe for pedestrians or bicycles and installing a fence would create additional danger to those trying to avoid vehicles. She stated that residents on Park Avenue wanted pedestrian traffic and a fence says "go away". She was not in favor of the fence and a parking lot in front of her home.

Larry Sullivan noted that the City is losing parking throughout downtown at a dramatic rate and expressed concern with losing another 30-40 spaces because of the proposed fence. He noted several potential issues which included parking in a 'no parking' area and snow removal. He suggested installing the fence at the top of the ridge.

Bob Timms felt that it would be a hardship to eliminate parking on the north side of the road and was not in favor of the fence.

Jeanne White, Park Avenue, agreed with the previous speakers and was not in favor of the fence. She wondered where residents and tenants will park their vehicles.

Mike Doherty felt that Council would be setting a bad precedence if they consider the fence donation. He noted that there are only a few days a year where parking is a problem along Park Avenue and he felt that the City should promote tourism.

The item was closed to the public.

Motion by Councilmember Hagen, second by Councilmember Gibson, to set a Public Hearing regarding the proposed donation of a fence in Lake Michigan Beach Park along Park Avenue for May 15th [at 7 p.m. in Council Chambers at City Hall.]

Yeas: Hagen, Kalbfell, Perron, Gibson, Cole, Oleksy

Nays: None

F. Schedule Public Hearing: Single Room Rental Zoning Ordinance Amendment

City Manager Heydlauff stated that the Main Street Economic Vitality Committee proposed a single room amendment to the Planning Commission for their review. Currently, the Zoning Ordinance does not allow renting of individual rooms on residentially zoned lots. If Council chooses to schedule the public hearing, Staff Planner Lucas will be available to field questions.

Councilmember Gibson felt that this ordinance is "putting a band aid on an amputation" and stated that we should recodify the entire Zoning Ordinance. City Manager Heydlauff explained that single room rentals are illegal currently and this ordinance will allow additional housing options. Councilmember Gibson felt that this was an unneeded law.

Mayor Kurtz opened the item to public comment.

Maureen Owens, Main Street Economic Vitality Committee, explained that her committee brought single room rentals to the Planning Commission for discussion to address summer interns and jobs. She stated that the purpose of the ordinance was to legalize rentals and create a positive statement for the City.

John Campbell stated that there was a need for housing for interns and felt the ordinance was a good idea.

Councilmember Hagen suggested that single room rentals would be a driver to work in Charlevoix. Mayor Kurtz explained how owner occupied housing would be a benefit.

The item was closed to the public.

Motion by Councilmember Hagen, second by Councilmember Gibson, to set a Public Hearing for May 15, 2017 at 7 p.m. in the Council Chambers of City Hall for proposed Zoning Ordinance amendments regarding the rental of single rooms in owner-occupied structures.

Yeas: Hagen, Kalbfell, Perron, Gibson, Cole, Oleksy

Nays: None

8. Reports & Communications

A. Public Comments

Larry Sullivan thanked Council and City Staff for providing public Wi-Fi in City Hall.

Jodi Laurent, 1st Ward, felt that Council should consider local transportation for a nominal fee to alleviate some parking and congestion issues.

B. City Manager Comments

City Manager Heydlauff noted that today was the first day of the new Fire Department merger with Charlevoix Township and he acknowledged Chief Dan Thorp. Chief Thorp thanked Council for their support and he discussed mutual training efforts.

City Manager Heydlauff noted that the DDA did not have a quorum at their April 24th meeting therefore another meeting is scheduled for May 4th at 5:30 p.m.

He informed Council that he has been in discussion with the City Attorney and will be providing proposed conservation easement language for the Charter. He noted that Council will be moving toward paperless agenda packets in the near future. City Manager Heydlauff referenced a letter regarding the skate park on page 56 in the packet.

C. Mayor & Council Comments

None.

9. Other Council Business

None.

10. Adjourn

The Mayor stated if there were no objections, the meeting would adjourn. There were no objections. Meeting adjourned at 8:29 p.m.

Special Accounts Payable – 04/20/2017

AT&T	2,707.20	METLIFE SMALL BUSINESS CENTER	710.90
AT&T LONG DISTANCE	40.62	PRIORITY HEALTH	41,181.38
AT&T MOBILITY	89.21	VERIZON WIRELESS	56.72
CHARLEVOIX STATE BANK	8,166.79	VISION SERVICE PLAN	518.88
DELTA DENTAL	3,579.16		
GREAT LAKES ENERGY	290.18	TOTAL	57,341.04

Regular Accounts Payable – 05/02/2017

a5 Branding & Design	1,905.00	KIRINOVIC, THOMAS F.	50.00
ACCESS LOCKSMITHING INC	246.50	KLOOSTER, ALIDA K.	50.00
AIRGAS USA LLC	68.01	KSS ENTERPRISES	1,598.42
ALL STAR PRO GOLF INC	204.52	LABLANCE, LUKE	65.47
ALLER, GINNY	125.00	LAKESHORE TIRE & AUTO SERVICE	90.00
ALL-PHASE ELECTRIC SUPPLY CO.	429.15	LEGENDS AUTO GLASS	381.80
AMERICAN LEGION AUXILIARY	166.98	MASSON, DONALD J.	64.73
APPLIED CONCEPTS INC	7,027.00	MAYER, SHELLEY L.	50.00
ARBOR DAY FOUNDATION	20.00	McGINN, KELLY A.	50.00
ARCADIA BENEFITS GROUP INC	25.00	MCGRAW, MARY BETH	165.00
ASPLUNDH TREE EXPERT CO	5,290.00	MICHIGAN ASSN/CHIEFS OF POLICE	115.00
AT YOUR SERVICE PLUS INC	115.00	MICHIGAN MUNICIPAL LEAGUE	16,049.00
BOB MATHERS FORD	426.00	MICHIGAN MUNICIPAL LEAGUE	134.00
BRADFORD'S	52.00	MICHIGAN NURSERY LANDSCAPE ASSOC	70.00
BROWN MOTORS	633.65	MICHIGAN OFFICEWAYS INC	2,844.85
CCP INDUSTRIES INC	528.03	MILLER, WILLIAM S.	50.00
CENTRAL DRUG STORE	19.55	MURRAY, JOHN	15.00
CHARLEVOIX COMMUNITY SHOPPER	184.00	NORTHERN PUMP SERVICE INC.	4,400.63
CHARLEVOIX SCREEN MASTERS INC	110.00	NORTHERN SAFETY CO INC	260.26
CHARLEVOIX SEWER & DRAIN	103.00	NW MI COG	6,180.00
CHARLEVOIX TOWNSHIP	88.88	O'REILLY AUTOMOTIVE INC	10.99
CHARTER COMMUNICATIONS	1,554.39	PANOFF, ZACHARY R.	50.00
CHEMSEARCH	181.80	PERFORMANCE ENGINEERS INC	17,393.75
CITY OF PETOSKEY	40.00	POWER LINE SUPPLY	2,449.19
CLEAN HARBORS ENV. SERVICES	3,290.76	PREIN & NEWHOF	9,335.42
DCASSESSING SERVICES	4,371.08	PRESTON FEATHER	1,984.58
DeROSIA, PATRICIA E.	50.00	QUICK CARE MEDICAL CENTER	110.00
DOAN, GERARD P.	148.21	R & S AUTO AND TRUCK PARTS	100.00
DOTSON, LINDSEY J.	50.00	RESIDEX LLC	206.00
DROST LANDSCAPE INC.	1,820.00	RIETH-RILEY CONST CO INC	311.52
EASYPRO POND PRODUCTS	117.81	ROTARY CLUB OF CHARLEVOIX	37.50
ELLIOTT, PATRICK M.	50.00	SHORELINE POWER SERVICES INC.	390.00
ELLSWORTH FARMER'S EXCHANGE	260.00	SIGMA-ALDRICH RTC	792.00
EVANS, HAL	50.00	SITE PLANNING DEVELOPMENT INC	2,300.00
FERGUSON & CHAMBERLAIN	2,619.00	STATE OF MICHIGAN	509.08
FLICKEMA, ANDREW M.	70.00	STRICKER'S OUTDOOR POWER	
FOX CHARLEVOIX FORD	389.34	EQUIPMENT	8,973.90
FREIDINGER, REED	71.50	STRIKER SUPPLY	40.00
GEMPLER'S	251.31	SUPERIOR MECHANICAL	120.00
GOLDING, JOYCE M.	50.00	SWEM, DONALD L.	50.00
GORDON FOOD SERVICE	100.33	TERMINAL SUPPLY CO	185.68
GREAT LAKES PIPE & SUPPLY	88.50	TRI-TURF	114.07
GRIFFIN BEVERAGE CO	150.00	TURFCO MFG. INC.	9,234.00
GRP ENGINEERING INC.	707.01	UP NORTH PROPERTY SERVICES LLC	449.00
HANKINS, SCOTT A.	50.00	USA BLUE BOOK	187.54
HARRELL'S	4,120.00	VANCE, RICHARD	25.00
HEADY, KATE	23.92	VAN'S BUSINESS MACHINES	25.90
HEID, THOMAS J.	50.00	WALLACE, JEANNINE	150.00
HERZOG ELECTRIC	296.80	WELLER, LINDA J.	50.00
HEYDLAUFF, MARK L	50.00	WEST SHORE FIRE INC	490.98
HOLIDAY COMPANIES	3,108.14	WILKINSON, SHIRLEY	75.00
HOWLAND, JEFFERY H.	1,100.00	WURST, RANDALL W.	304.98
HYDE SERVICES LLC	35.02	WYMAN, MATTHEW A.	50.00
JOHNNY MAC'S SPORTING GOODS	95.44	TOTAL	132,367.87

ACH Payments – 04/17/2017 to 04/25/2017

MI PUBLIC POWER AGENCY	20,416.87	VANTAGEPOINT (401 ICMA PLAN)	713.94
IRS (PAYROLL TAX DEPOSIT)	31,274.14	VANTAGEPOINT (457 ICMA PLAN)	13,008.74
ALERUS FINANCIAL (HCSP)	420.00	VANTAGEPOINT (ROTH IRA)	911.53
STATE OF MI (WITHHOLDING TAX)	4,492.31	MERS DEFINED BENEFIT PLAN	29,487.56

MI PUBLIC POWER AGENCY	3,447.14		
MI PUBLIC POWER AGENCY	252,156.23	TOTAL	356,328.46

Payroll Net Pay – Pay Period Ending 04/15/2017 (Paid 04/21/2017)

WELLER, LINDA JO	1,499.88	BITELY, KATHERINE A.	17.88
HEYDLAUFF, MARK L.	2,161.23	MILAN, JANE E.	84.04
GOLDING, JOYCE M.	1,132.70	ANZELL, BETH A.	540.42
DEROSIA, PATRICIA E.	932.48	BERNIER, RACHEL M.	11.09
DOTSON, LINDSEY J.	1,421.14	BOSS, BEAU J.	96.33
LOY, EVELYN R.	1,050.16	HEID, THOMAS J	1,299.22
KLOOSTER, ALIDA K.	1,566.57	LEESE, ALAN K.	399.98
GOLOVICH, KAREN J.	970.67	GRUNCH, RONALD J.	109.10
SPENCLEY, PATRICIA L.	1,266.62	DAVIS, RONALD L.	200.26
PANOFF, ZACHARY R.	1,192.91	FAIRCHILD, GALEN W.	321.25
MILLER, FAITH G.	74.88	DAKROUB, JOSEPH E.	235.89
LEESE, MERRI C.	523.99	MASSON, DONALD J.	497.99
MCGINN, KELLY A.	1,618.00	LABLANCE, MAUREEN J.	195.95
DOAN, GERARD P.	1,603.59	LIVINGSTON, BRIAN D.	895.19
SCHLAPPI, JAMES L.	1,215.95	VANLOO, JOSEPH G.	640.12
UMULIS, MATTHEW T.	1,529.71	WYMAN, MATTHEW A.	1,450.92
HANKINS, SCOTT A.	1,486.24	BOSS, RYDER S.	626.10
ORBAN, BARBARA K.	1,390.06	MILLER, WILLIAM S.	1,006.85
TRAEGER, JASON A.	1,519.04	DOUGLAS, MARK	522.44
FLICKEMA, ANDREW M.	1,850.12	STEVENS, JEFFREY W.	27.70
MATELSKI, KIMBERLY A.	1,188.90	MEGGISON, JERRY B.	171.13
RILEY, DENISE M.	430.50	RILEY, CASEY W.	621.96
WURST, RANDALL W.	1,220.68	THORMAN, MIKAYLA R.	188.47
MAYER, SHELLEY L.	1,625.64	JONES, LARRY M.	763.25
HILLING, NICHOLAS A.	1,378.49	FLORE, ROBERT A.	902.53
MEIER III, CHARLES A.	1,044.41	WILLSON, BRENDA R.	702.41
ZACHARIAS, STEVEN B.	1,361.67	BEAN, PETER J.	1,156.64
EATON, BRAD A.	1,958.89	FENNELL, DREW M.	127.75
WILSON, TIMOTHY J.	2,111.86	RILEY, REBECCA J.	418.62
LAVOIE, RICHARD L.	1,630.19	WHITLEY, TYLER J.	208.79
STEVENS, BRANDON C.	1,788.00	MCCALIB, RACHELLE L.	469.80
DRAVES, MARTIN J.	1,647.10	MCMULLEN, DONALD R.	433.12
BROWN, STEPHANIE C.	1,042.19	TRAVERS, MANUEL J.	579.97
ANDERSON, ELIZABETH A.	1,151.81	SILVA, JESSE L.A.	90.86
ELLIOTT, PATRICK M.	2,004.05	RILEY, DANIEL A.	1,315.18
SCHWARTZFISHER, JOSEPH L.	1,156.07	SWEM, DONALD L.	1,878.07
BRADLEY, KELLY R.	1,278.86	WHITLEY, ANDREW T.	1,754.79
HART II, DELBERT W.	1,214.72	MORRISON, KEVIN P.	903.99
JONES, ROBERT F.	1,128.21	HODGE, MICHAEL J.	1,259.66
DORAN, JUSTIN J.	1,368.71	JOHNSON, STEVEN P.	984.83
BECKER, MICHAEL S.	669.97	BISHAW, JAMES H.	253.72
MCGHEE, ROBERT R.	980.51	BOSS JR, DALE E.	138.52
CRANDELL, ZACKARY R.	600.59	GILL, DAVID R.	1,024.37
LEITNER, RYAN S.	344.84	WHITLEY, ADAM T.	497.76
KIRINOVIC, THOMAS F.	547.39	TOTAL	82,905.10

Payroll Transmittal – 04/21/2017

4FRONT CREDIT UNION	307.69	CHEMICAL BANK	150.00
AMERICAN FAMILY LIFE	191.88	COMMUNICATION WORKERS OF AMER	537.32
AMERICAN FAMILY LIFE	461.64	MI STATE DISBURSEMENT UNIT	323.45
CHAR EM UNITED WAY	59.00	PRIORITY HEALTH	2,014.96
CHARLEVOIX STATE BANK	1,284.62	TOTAL	5,330.56

Tax Disbursement – 05/02/2017

CHARLEVOIX COUNTY TREASURER	345.45	CHARLEVOIX PUBLIC SCHOOLS	0.52
CHARLEVOIX DISTRICT LIBRARY	117.52	CHARLEVOIX PUBLIC SCHOOLS	0.24
CHARLEVOIX PUBLIC SCHOOLS	6.47	CITY OF CHARLEVOIX - TAXES DUE	88.27
CHARLEVOIX PUBLIC SCHOOLS	1.95	RECREATIONAL AUTHORITY	23.05
CHARLEVOIX PUBLIC SCHOOLS	0.14	TOTAL	583.61