

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, January 4, 2021 – 6:00 p.m.
210 State Street, Charlevoix, MI

The virtual meeting was called to order at 6:00 p.m. by Mayor Kurtz.

1. Pledge of Allegiance

2. Roll Call

Mayor: Luther Kurtz (from Charlevoix)
Members Present: Greg Bryan, Aaron Hagen, Janet Kalbfell, Mark Knapp, Phil Parr, Brian Slater (all members participating from Charlevoix)
Members Absent: None
City Manager: Mark L. Heydlauff
City Clerk: Joyce Golding

3. Presentations

- A. Deputy Police Chief Scott Hankins Mayoral Proclamation
The Mayor presented a proclamation to Deputy Chief Hankins upon his retirement after 30 years of service to the City.
- B. Electric Superintendent Don Swem Mayor Proclamation
The Mayor presented a proclamation to Electric Superintendent Swem upon his retirement after 18 years of service to the City.
- C. Housing Update
Zoning Administrator Scheel discussed some of the zoning changes we've already made to encourage more housing strategies and some that we can employ going forward. Council discussed and deliberated the topic at length and asked several questions.

4. Inquiry Regarding Conflicts of Interest

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 – December 21, 2020
- B. Accounts Payable and Payroll Check Registers
 - a. Special Accounts Payable Check Register – December 18, 2020
 - b. Regular Accounts Payable Check Register – January 5, 2021
 - c. ACH Payments – December 21, 2020 to December 28, 2020
 - d. Payroll Check Register – December 23, 2020
 - e. Payroll Transmittal – December 23, 2020
 - f. Tax Disbursement – January 5, 2021

Motion by Hagen, second by Kalbfell to approve the Consent Agenda.

Yeas: Bryan, Knapp, Parr, Kalbfell, Hagen, Slater

Nays: None

6. Public Hearings & Actions Requiring Public Hearings

- A. Public Hearing for Zoning Code Amendments Ordinance 823 of 2021
The Mayor opened the public hearing at 6:49 p.m. Planner Jennifer Neal stated that the proposed Zoning Ordinance amendments are largely corrections, clarifications, or minor in nature.

Mayor Kurtz opened the item to public comment and one was heard in favor.

Motion by Parr, second by Hagen to approve the zoning amendments and adopt Ordinance 823 of 2021.

CITY OF CHARLEVOIX
ORDINANCE NO. 823 of 2021

AN ORDINANCE TO AMEND TITLE XV, CHAPTER 150, SECTION 150.01 AND CHAPTER 153, SECTIONS 153.005, 153.040, 153.116, 153.158, AND 153.170, AND 153.274 OF THE CHARLEVOIX CITY CODE

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Title XV, Chapter 150, Section 150.01 of the City of Charlevoix Code is hereby repealed and replaced as follows:

- (A) This Ordinance is enacted pursuant to P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq.).

- (B) Pursuant to the provisions of § 9 of Public Act 230 of 1972, being M.C.L.A. § 125.1509, the Building Official of the city is hereby designated as the enforcing agency to discharge the responsibilities of the city under Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531. The city hereby assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

SECTION 2. Title XV, Chapter 153, Section 153.005 (B) of the City of Charlevoix Code is hereby amended so that the definition of "BUILDING HEIGHT" reads as follows:

BUILDING HEIGHT. The vertical distance measured from the average finished grade around the building to the highest point of a flat roof; to the deck line of a mansard roof; when there is a dormer built into the roof, the height is measured to the midpoint of the dormer roof if the dormer(s) exceeds fifty (50) percent or more of the width of any side of the building; to the average height between the eaves and ridge for a gable, hip and gambrel roof; or to an equivalent point on any other roof, excluding structural elements not intended for habitation and not exceeding six (6) feet above the maximum building height including antenna arrays, smoke and ventilation stacks, flag poles, mechanical and elevator equipment, and parapet walls designed solely to screen mechanical and elevator equipment (See § 153.146 of this chapter.)

SECTION 3. Title XV, Chapter 153, Section 153.040 of the City of Charlevoix Code is hereby repealed and replaced as follows:

- (A) After a final hearing, the ZBA shall make a decision on an application or appeal. A copy of the Board's decision shall be transmitted to the applicant or appellant. Such a decision shall be binding upon the Zoning Administrator and observed by them, and they shall incorporate its terms and conditions in a permit to the applicant or appellant whenever a permit is authorized by the Board.
- (B) Zoning Board of Appeals decisions shall expire one year from the date of issuance, unless substantial construction has begun.

SECTION 4. Title XV, Chapter 153, Section 153.116 (A) (6) of the City of Charlevoix Code is hereby repealed and replaced as follows:

(6) The minimum distance between a principal building and detached accessory buildings shall be ten feet, and a minimum of 10 feet shall be provided between the sides of adjacent single family buildings and/or accessory structures.

SECTION 5. Title XV, Chapter 153, Section 153.116 (A) (9) of the City of Charlevoix Code is hereby repealed and replaced as follows:

- (9) Prohibited uses within detached accessory structures or accessory structures connected by a breezeway or similar structure in all districts except the R2 Zone:
- (a) May not contain features that form a habitable dwelling unit or create a second dwelling unit;
 - (b) These structures may contain utility sinks, one bathroom, and refrigeration units. Full kitchen facilities that include a range or stove are prohibited; and
 - (c) Rooms within accessory structures may be used for additional sleeping quarters for the owner, or resident, and their immediate family provided that these rooms may not be rented out as short or long term rentals for any length of time.

SECTION 6. Title XV, Chapter 153, Section 153.158 of the City of Charlevoix Code is hereby repealed and replaced as follows:

Renting of residential properties, including, but not limited to, homes, condos, apartments, townhouses, and duplexes, as short or long term rentals, regardless of the underlying zoning district, shall comply with the following standards.

- (A) Short and long-term renting of entire residential structures is permitted in any zoning district providing all rentals comply with any applicable requirements of City ordinances.
- (B) Signage shall be subject to the requirements of §§ 153.205 through 153.219.

SECTION 7. Title XV, Chapter 153, Section 153.170 of the City of Charlevoix Code is hereby repealed and replaced as follows:

(A) *Purpose. The purpose of this section is to provide quality exterior architectural building styles and material standards to enhance the visual environment of the main corridor entries to the city, thereby improving property values and stimulating investment in the business districts. The provisions of this section are intended to promote quality architecture to ensure that buildings retain their value, protect the investment of adjacent landowners, blend harmoniously into the streetscape and create a positive image for business and the city.*

(B) *Applicability. This section shall apply to all new construction in the General Commercial (GC), Professional Office (PO) and Commercial Mixed Use (CM) Districts on lots fronting U.S. 31 (Bridge Street and Michigan Avenue) and M-66. This section shall not apply to single-family detached and two-family residential structures. Architecture shall be reviewed by the Zoning Administrator or Planning Commission, as applicable, as a part of site plan review under the requirements of §§ 153.230 through 153.239 of this chapter.*

- (C) *All exterior materials shall comply with the following:*
- (1) *Design standards. Buildings shall have architectural variety, but enhance the overall cohesive community character. At a minimum, the following standards shall be met.*
 - (a) *Buildings shall provide architectural features, details and ornaments such as archways, colonnades, cornices, peaked roof lines, hip returns, operable window shutters, transoms, gas lights or towers to accent and add interest.*
 - (b) *Repair of existing structures may utilize the existing roof pitch and roof design at the time of application.*
 - (c) *Plazas, strip malls or similar types of commercial or office developments where multiple businesses are located within the same*

building shall provide at least one dormer, archway or similar feature per business or store front.

(d) Building walls over 100 feet long shall be broken up with varying building lines, vertical architectural features, windows, architectural accents and trees.

(e) Building entrances shall utilize windows, canopies and awnings; provide unity of scale, texture and color; and clearly identify the entry.

(f) Building-mounted mechanical equipment shall be screened.

(D) Site elements. Signs and other site features shall be designed and located so they are aesthetically consistent and harmonious with the overall development. Sign bases shall be constructed of material which is compatible with the principal building. Mechanical equipment shall be screened.

SECTION 8. Title XV, Chapter 153, Section 153.274 (C) of the City of Charlevoix Code is hereby amended to delete "and rezoning" from the first sentence to read as follows:

(C) Preliminary PUD plan.

SECTION 9. 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 10. Effective Date.

This Ordinance shall become effective thirty (30) days after its enactment pursuant to the City Charter.

Ordinance No. 823 was adopted on the 4th day of January, 2021 A.D., by the Charlevoix City Council as follows:

Motion by: Parr
Second by: Hagen
Yeas: Bryan, Knapp, Parr, Kalbfell, Hagen, Slater
Nays: None
Absent: None

State of Michigan }
City of Charlevoix } §

The public hearing was closed at 6:52 p.m.

7. All Other Actions & Requests

A. Sidewalk Snow Removal

Zoning Administrator Scheel recalled snow removal methods for downtown sidewalks over the last few years. He expressed concern relative to how enforcement would occur in residential neighborhoods. He noted that a sidewalk inventory was being developed and information could be gathered on how other communities address these situations. Council agreed to continue gathering information for future discussion.

Mayor Kurtz opened the item to public comment and none was heard.

B. Economic Development Strategy & Marketing Strategy

Community Development Fellow Martin stated that the Economic Development Strategy and Marketing Strategy are requirements for the Redevelopment Ready Communities (RRC) program. Becoming RRC certified is a prerequisite for many grant and aid programs from the State of Michigan and the MEDC. He noted that an Economic Development Strategy provides insight to key economic drivers, goals, and actions pertaining to current or planned improvements and the Marketing Strategy identifies opportunities to attract businesses, residents, and consumers to our community.

Mayor Kurtz opened the item to public comment and none was heard.

Motion by Kalbfell, second by Hagen to adopt the Economic Development and Marketing Strategies as presented.

Yeas: Bryan, Knapp, Parr, Kalbfell, Hagen, Slater
Nays: None

C. Charlevoix EMS Replacement Fund

City Manager Heydlauff recalled that we have ongoing dialogue with our township colleagues on the creation of an EMS Authority, an independent, tax-supported entity to manage the service. They discussed a plan to reallocate some of the fund balance reserved for future ambulance replacement toward current operating liabilities for each entity. He stated that the current fiscal conditions, brought on largely by the pandemic, make the subsidy of the life-saving service an increasing challenge. He stated that by using this funding now, we can reinforce the fiscal stability of each entity and bridge the service toward its independence.

Mayor Kurtz opened the item to public comment and none was heard.

Motion by Kalbfell, second by Hagen to approve the Memorandum of Expectations for Ambulance Service dated January 4, 2021.

Yeas: Bryan, Knapp, Parr, Kalbfell, Hagen, Slater

Nays: None

D. Northside Trail Development Agreement

City Manager Heydlauff recalled that Council approved receiving easements for the construction of a non-motorized trail on the north side of Charlevoix. TART is willing to support the engineering portion of the project which is currently estimated at \$150,000. We also expect to qualify for MDOT grants in the range of \$750,000 to \$1 million leaving the City's local match in the \$200,000 range minus any local fundraising and assistance from other units of government. He suggested that Council allow him to negotiate the final terms of an agreement with TART in order that we might qualify for the engineering support toward the broader project.

Mayor Kurtz opened the item to public comment and none was heard.

Motion by Kalbfell, second by Parr to authorize the City Manager to negotiate and sign an agreement with TART to develop the Northside Non-Motorized Trail.

Yeas: Bryan, Knapp, Parr, Kalbfell, Hagen, Slater

Nays: None

E. FY 2022 Budget-First Draft Discussion

City Manager Heydlauff presented a first draft of the budget for fiscal year 2021-2022 and he included a memo outlining some broad budget topics. He noted that his philosophy was to project on the high end of expenses and the low end of revenues in order that we might be more balanced as the year ends rather than less. He stated that this draft is flexible between now and February's public hearing to approve the final budget.

Mayor Kurtz opened the item to public comment and none was heard.

8. **Reports & Communications**

A. Public Comments

B. City Manager Comments

- Received a lot of good feedback for the dog park
- COVID vaccine rollout is moving forward for frontline workers
- Thank you and congratulations to Don Swem and Scott Hankins on their retirement

C. Mayor & Council Comments

- Knapp thanked Zoning Administrator Scheel and the City Manager for the housing report
- Hagen thanked City Staff and is looking forward to working with Council in the new year
- Council collectively congratulated and thanked Don Swem and Scott Hankins and wished all a Happy New Year
- Mayor thanked Recreation Director Knorr and Bo Boss for their efforts at Mt. McSaubia

9. **Other Council Business**

10. **Adjourn**

The Mayor adjourned the meeting at 7:58 p.m.

Joyce M. Golding	City Clerk	Luther Kurtz	Mayor
Special Accounts Payable - Payroll Transmittal – 12/18/2020			
AT&T	2,286.20	STANDARD INSURANCE CO	2,707.19
AT&T LONG DISTANCE	15.38	VERIZON WIRELESS	88.31
CHARLEVOIX STATE BANK	5,666.31	VSP INSURANCE CO. (CT)	547.09
CHARTER COMMUNICATIONS	706.11	WEX BANK	1,249.94
DELTA DENTAL	3,433.28	TOTAL	66,824.42
HOLIDAY COMPANIES	5,204.40		
MONEY LIFE INSURANCE	449.15		
PRIORITY HEALTH	44,471.06		
Regular Accounts Payable – 01/05/2021			
AIRGAS USA LLC	69.29	BELL EQUIPMENT COMPANY	322.06
ALL-PHASE ELECTRIC	7.91	BLUETARP FINANCIAL	39.99
ANDERSON, ELIZABETH A.	50.00	BOUND TREE MEDICAL LLC	400.63
ANZELL, BETH A.	50.00	BRADFORD'S	81.00
ASPEN WIRELESS	1,842.00	CDW GOVERNMENT INC.	400.34
AT&T MOBILITY	577.64	CHARLEVOIX COUNTY	5,311.65

CHARLEVOIX ROD & GUN CLUB	65.00	NORTHERN CREDIT SERVICES	468.82
CHARLEVOIX SCREEN MASTERS INC	8.00	OHM ADVISORS	35,739.75
CHARTER COMMUNICATIONS	994.60	PAUL'S METER TESTING LLC	3,382.55
CONWAY PROFESSIONAL SERVICES	275.00	PERFORMANCE ENGINEERS INC	30,980.25
DCL INC.	2,705.67	PETALS	175.00
DeROSIA, PATRICIA E.	50.00	POWER LINE SUPPLY	1,957.03
DERRER OIL & PROPANE CO	2,285.89	PRESTON FEATHER	816.68
DOAN, GERARD P.	50.00	PURITY CYLINDER GASES INC	223.25
DOTSON, LINDSEY J.	50.00	QUADIENT	2,196.75
ELLIOTT, PATRICK M.	50.00	QUILL CORP	19.99
ELLSWORTH FARMER'S EXCHANGE	1,740.00	R B LYONS INC	7,190.00
FARRELL, MITCHELL L.	20.29	SCHOLEY, ROBERT W.	50.00
FASTENAL COMPANY	50.40	SILVA, JESSE L.A.	50.00
FAULKNER, CHRISTOPHER	50.00	STANDARD ELECTRIC CO	1,411.86
FICK & SONS DIESEL GARAGE	10,656.58	STATE AND MASON LLC	1,000.00
GALLS AN ARAMARK COMPANY	577.72	STATE OF MICHIGAN	180.00
GOLDING, JOYCE M.	50.00	STATE OF MICHIGAN	1,236.20
GREAT LAKES ENERGY	266.48	STEPHENS, LYON G.	50.00
GREAT LAKES PIPE & SUPPLY	324.12	STRYKER SALES CORPORATION	1,915.20
HERZOG ELECTRIC	148.00	SWEM, DONALD L.	50.00
HEYDLAUFF, MARK L.	50.00	TRAVERS, MANUEL J.	50.00
INDEPENDENT DRAFTING SERVICES	200.00	TRUCK & TRAILER SPECIALTIES	76,276.00
JACKLIN STEEL SUPPLY CO	107.20	UNITED STATES PLASTIC CORP.	146.96
JOHNSON, MELISSA A.	50.00	UP NORTH ASSESSING INC	5,100.00
KLOOSTER, ALIDA K.	50.00	USA BLUE BOOK	2,302.69
KLOOSTER, PATRICK H.	50.00	VILLAGE GRAPHICS INC.	97.85
KNORR, KENT J.	50.00	WORK & PLAY SHOP	133.83
LAKESHORE TIRE & AUTO SERVICE	110.00	WURST, RANDALL W.	50.00
MAYER, SHELLEY L.	50.00	WYMAN, MATTHEW A.	50.00
McGINN, KELLY A.	50.00	ZIXCORP	284.63
MCMASTER-CARR	1,586.67	TOTAL	213,975.92
MCMULLEN, DONALD R.	98.30		
MDC CONTRACTING LLC	6,318.20		
MICHIGAN DEPARTMENT OF TREASURY	2,000.00		
MILLER, WILLIAM S.	50.00		

ACH Payments – 12/21/2020 to 12/28/2020

MI PUBLIC POWER AGENCY	22,826.78	VANTAGEPOINT (ROTH IRA)	1,280.76
IRS (PAYROLL TAX DEPOSIT)	38,494.61	MERS (DEFINED BENEFIT PLAN)	200,763.44
ALERUS FINANCIAL (HCSP)	350.00	MI PUBLIC POWER AGENCY	23,284.78
STATE OF MI (WITHHOLDING TAX)	5,715.10	MI PUBLIC POWER AGENCY	251,598.53
VANTAGEPOINT (401 ICMA PLAN)	912.08	TOTAL	565,216.07
VANTAGEPOINT (457 ICMA PLAN)	19,989.99		

Payroll Net Pay – Check Date 12/23/2020

HEYDLAUFF, MARK L.	2,882.72	STEVENS, BRANDON C.	2,721.45
GOLDING, JOYCE M.	1,653.60	DRAVES, MARTIN J.	2,366.18
DEROSIA, PATRICIA E.	804.20	ANDERSON, ELIZABETH A.	1,233.97
DOTSON, LINDSEY J.	1,421.40	KENWABIKISE, DAVID L.	1,105.17
KLOOSTER, ALIDA K.	1,753.72	ELLIOTT, PATRICK M.	2,739.35
GOLOVICH, KAREN J.	980.65	SCHWARTZFISHER, JOSEPH	1,251.84
BARNEVELD, RICHELLE L.	1,163.09	BRADLEY, KELLY R.	1,570.19
EDWARDS, MACKENZIE R.	1,299.42	HART II, DELBERT W.	1,439.83
MILLER, FAITH G.	22.45	JONES, ROBERT F.	1,362.33
MCGINN, KELLY A.	2,146.71	FARRELL, MITCHELL L.	1,393.68
DOAN, GERARD P.	2,413.82	THORP JR, WILLIAM D.	1,647.01
SCHOLEY, ROBERT W.	795.44	LEITNER, RYAN S.	1,390.98
UMULIS, MATTHEW T.	1,249.40	FERGUSON, ROYCE L.	1,791.17
HANKINS, SCOTT A.	1,692.27	KNORR, KENT J.	1,958.91
ORBAN, BARBARA K.	1,289.03	ANZELL, BETH A.	1,318.21
RILEY, DENISE M.	452.44	WHITE III, MARCUS W.	451.29
MUNK, CHRISTOPHER J.	1,306.60	MATTACK, JEFFREY C.	1,001.58
SCHICK, TIELER R.	1,356.13	MAY, MEREDITH A.	55.50
STEWART, MORGAN J.	1,309.82	BOSS, BEAU J.	1,161.30
MATELSKI, KRISTEN L.	1,355.87	WYMAN, MATTHEW A.	1,647.33
WURST, RANDALL W.	1,226.68	MILLER, WILLIAM S.	1,048.30
MAYER, SHELLEY L.	1,503.45	DOUGLAS, MARK	879.31
HILLING, NICHOLAS A.	1,422.91	FRATRICK, JOSEPH W.	411.33
MEIER III, CHARLES A.	1,363.20	CARSON, SAWYER J.	821.52
ZACHARIAS, STEVEN B.	1,642.74	MCMULLEN, DONALD R.	1,800.40
NEWMAN, MARK J.	1,056.43	SILVA, JESSE L.A.	1,106.80
SWEM, DONALD L.	3,086.32	JOHNSON, MELISSA A.	1,516.36
EATON, BRAD A.	2,399.07	STEPHENS, LYON G.	1,144.98
WILSON, TIMOTHY J.	2,669.36	TRAVERS, MANUEL J.	1,770.27
LAVOIE, RICHARD L.	2,272.19	FAULKNER, CHRISTOPHER J.	2,989.28

STEVENS, JEFFREY W.	322.72	PECK, JARICA L.	451.67
RILEY, CASEY W.	227.57	DIETZ, AMANDA M.	517.79
JONES, LARRY M.	334.93	MOYER, NATHAN I.	1,283.33
MATZ, EMILY S.	1,099.28	WHITLEY, ANDREW T.	2,224.30
LEPIRD, KATIE A.	1,328.15	MORRISON, KEVIN P.	1,364.73
MOYER, DAVID T.	163.20	BOSS JR, DALE E.	1,558.04
WHEELER, MICHAEL W.	1,436.58	HOLM, ARTHUR R.	1,201.28
MISHLER, MICHAEL. J.	653.34	TOTAL	104,572.37
AZZOPARDI, ANTHONY J.	1,246.10		
MCCRANEY, RUSSELL R.	72.41		

Payroll Transmittal – 12/23/2020

4FRONT CREDIT UNION	1,018.00	DISCOVER BANK	367.06
AMERICAN FAMILY LIFE	608.28	MI STATE DISBURSEMENT UNIT	209.65
CHAR EM UNITED WAY	90.00	MONY LIFE INSURANCE	393.87
CHARLEVOIX STATE BANK	942.00	PRIORITY HEALTH	1,513.63
COMMUNICATION WORKERS OF AMER	672.47	TOTAL	5,814.96

Tax Disbursement – 01/05/2021

CAMP, ROBERT	100.00	CHARLEVOIX PUBLIC SCHOOLS	206.80
CHARLEVOIX COUNTY TREASURER	222.62	CHARLEVOIX STATE BANK	832.17
CHARLEVOIX COUNTY TREASURER	67,737.25	CHARLEVOIX-EMMET ISD	101,936.54
CHARLEVOIX DISTRICT LIBRARY	42,715.85	CITY OF CHARLEVOIX - TAXES DUE	33,246.72
CHARLEVOIX PUBLIC SCHOOLS	4,628.65	RECREATIONAL AUTHORITY	8,276.52
CHARLEVOIX PUBLIC SCHOOLS	211.02	TOTAL	260,325.14
CHARLEVOIX PUBLIC SCHOOLS	147.72		
CHARLEVOIX PUBLIC SCHOOLS	63.28		