

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, November 20, 2017 – 7:00 p.m.
Council Chambers, 210 State Street, 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 Greg Bryan, Shane Cole, Aaron Hagen, Janet Kalbfell, Tom Oleksy, Leon Perron
Members Absent: None
City Manager: Mark Heydlauff
City Clerk: Joyce Golding

3. Presentations

A. Hal Evans

In honor of Hal Evans' retirement from the City, Mayor Kurtz presented a proclamation to Mr. Evans for his many accomplishments including his 20 years of service as Harbormaster.

4. Inquiry Regarding Conflicts of Interest

Mayor Kurtz recused himself from the Airport Advisory Committee appointment.

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. November 2017 Local Election Results – Accept election results
- B. City Council Meeting Minutes – November 6, 2017 Regular Meeting
- C. Job Description Revisions – Chief of Police; Mt. McSauba Manager, Assistant Manager, and Operations Attendant
- D. Accounts Payable and Payroll Check Registers
 - a. Regular Accounts Payable Check Register – November 21, 2017
 - b. ACH Payments – November 2, 2017 to November 17, 2017
 - c. Payroll Check Register – November 17, 2017
 - d. Payroll Transmittal – November 17, 2017
 - e. Tax Disbursement – November 21, 2017

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

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

Nays: None

6. Public Hearings & Actions Requiring Public Hearings

A. Water Enjoyment Public Hearing

Mayor Kurtz recalled that the Junior Main Street program was developed last year to include youth. Opening the piers to jumping and diving was one item that was significant to them and Mayor Kurtz felt it was important to listen to what young people care about. He commented that Petoskey strongly discourages jumping or swimming from their pier, but it is not illegal to jump. Council decided to hold a public hearing tonight to gain more community input. Charlevoix High School students in Annmarie Conway's class presented their views:

Josh Carlson thanked Council and introduced the presentation.

Olivia Jeakle stated that their goal was not to promote jumping from the pier but, to educate the public and decriminalizing the act while discouraging it.

Dan Nesburg reviewed the presentation agenda.

Rachel Nesburg reviewed the status quo including the lack of safety features, lack of signage and the misdemeanor charge.

Kelsey Robinson commented that the signage and the response from law enforcement was confusing and contradictory regarding whether jumping from the pier was legal.

Michelle Bollini felt that both tourists and residents should be well informed regarding jumping.

Hunter Jenson recalled the history regarding the punishment for jumping from the pier.

Phil Conway felt that education was a more effective form of safety than issuing misdemeanors. The group contacted various individuals involved in water safety education.

Cam Musilek felt that the misdemeanor crime of jumping from the pier was disproportionate. He explained that a misdemeanor may cause a loss of scholarship opportunities and may limit future job prospects.

Natalie Nesburg recalled her experience of riding with the Beaver Island Boat Company to learn their perspective while navigating the Pine River Channel.

Noami Batdorff and Lauren House explained that other activities such as football and driving have become safer due to education.

Councilmember Bryan questioned how many misdemeanors were issued since 2012 and Josh Carlson responded zero.

Councilmember Kalbfell confirmed that the students are not encouraging jumping off the pier but, rather promote water safety while decriminalizing the act.

Mayor Kurtz opened the item to public comment.

Shelley Langeweg, Park Avenue, questioned how to educate tourists and was not in favor.

John Kurtz, BIBCO representative, gave a brief overview of the company and described the dangerous challenges of navigating the Pine River Channel. He encouraged education and additional safety measures. BIBCO felt the misdemeanor should continue and suggested a sky-cam as a deterrent and to help with enforcement.

Judy Przybylski was not in favor and suggested that reopening Ferry Beach dock would solve a lot of problems.

Bob Pratt, Great Lakes Surf Rescue Project, discussed drowning, swim lessons, education and best practices. He stated that knowledge is power and suggested a task force to discuss water safety initiatives and promote community buy in.

Susan Och, Leland Township Supervisor, shared a recent drowning experience in her community and she advocated education, as well as a civil infraction rather than a misdemeanor.

Mark Breederland, Michigan Sea Grant, explained that he is an educator and discussed the dynamics of the Great Lakes. He advocated signage and water safety equipment.

David Nedwick, Antrim Street, stated that he enjoys jumping in the water and encouraged people to look at the bright side of this activity.

Gabe Campbell stated that the pier belongs to Army Corps of Engineers and he was not in favor. He requested that Council explain why they vote yes or no on the topic.

Megan Wuerth, East Jordan Aquatics Director, felt that this was not a safe activity and she supported additional safety measures.

Anmarie Conway noted that the scope of this issue was larger than just people jumping off the pier.

Pat Miller, 121 Hampton, felt that the City had an obligation to enforce the law. She noted that young adults need to look at the big picture, especially little children who go to the pier unsupervised.

Boogie Carlson felt that it was important to listen to the students with respect to increased safety and educating the community. Josh Carlson agreed and confirmed that the students wanted to decriminalize jumping from the pier outside the channel.

The item was closed to the public.

Council discussed the \$500 fine, changing the misdemeanor to a civil infraction, the need for education, signage and water safety equipment, installing a camera on the pier and the reopening of Ferry Beach dock in FY2019. They discussed the process to change the ordinance, how to go about acquiring safety equipment, installing a camera on the pier and the lack of lifeguards.

Motion by Councilmember Hagen, second by Councilmember Cole, to drop it [the pier jumping penalty] from a misdemeanor to a civil infraction with a fine of \$500, signage, get the Army Corps of Engineers involved on the video surveillance and life rings immediately.

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

Nays: None

B. Level B Site Plan Review – 403 Petoskey Avenue

Interim Zoning Administrator Sullivan stated that on November 13, the Planning Commission approved a Special Land Use permit for a proposed boarding/rooming house at 403 Petoskey Avenue to house four Stafford's employees. Stafford's Hospitality is under contract to purchase the property if the approvals are given. The Planning Commission also considered the Level B Site Plan Review for the property and gave conditional approval. The City Council is responsible for taking final action on Level B Site Plan Reviews upon receipt of the recommendation from the Planning Commission. Interim Zoning Administrator Sullivan explained the options Council could consider and how the current Zoning Ordinance affects the usage.

Council discussed the parking situation, the need to retain a residential "look", and what happens with a change of ownership. Councilmember Bryan felt that the definition of boarding house should be updated by the Planning Commission.

Mayor Kurtz opened the item to public comment at 8:50 p.m.

Boogie Carlson questioned whether a temporary permit could be issued. He expressed concern regarding a large parking lot and the potential of creating another "Charlevoix Motel."

City Manager Heydlauff recommended the approval of this request in addition to strongly encouraging the Planning Commission to amend the definitions and requirements for this type of scenario promoting a workable ordinance. He felt waivers to the ordinance should be the exception, rather than the norm.

David Marvin, Stafford's Hospitality, noted that the Planning Commission limited the rooming house to four residents. He would prefer two years to determine what type of parking may be required.

The item was closed to the public at 9:05 p.m.

Motion by Councilmember Cole, second by Councilmember Hagen, to pick Option C with the stipulation that we change the completed by to November 1, 2019 giving it two years [approve Project 2017-10 SP with conditions as recommended by the Planning Commission, based on specific findings of fact that prove the project does meet the review standards in Section 5.120 and that the parking facility complies with all provisions of the Zoning Ordinance including Section 5.94, Off-Street Parking Facility Design, by November 1, 2019 with the exception of allowing the use movable barriers at the end of each parking space and at the end of the turnaround area which will allow the dispersion of rainwater and to allow the barriers to be moved during the winter months to facilitate snow plowing, and to assist in preserving the single family character of the property. The parking lot improvements shall be completed by November 1, 2019.]

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

Nays: None

7. All Other Actions & Requests

A. Organizational Meeting

Clerk Golding stated that Section 2.15 of the City Charter requires that Council hold an organizational meeting at the first meeting of the Council after the November General Election. Council was asked to consider setting the regular Council meeting time and to appoint a Deputy Mayor.

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

Motion by Councilmember Perron, second by Councilmember Hagen, to set 2018 City Council meetings for the first and third Mondays of the month at 6:00 p.m.

Clerk Golding noted that a resolution was needed to change the Rules of Procedure to accommodate the time change. City Manager Heydlauff suggested that language be added to the Rules allowing for an easier amendment process. Council concurred.

Yeas: Perron, Hagen, Oleksy, Kalbfell, Cole

Nays: Bryan

Motion by Councilmember Kalbfell, second by Councilmember Perron, to re-appoint Councilmember Cole as Deputy Mayor.

Yeas: Perron, Hagen, Oleksy, Kalbfell, Bryan

Nays: None

Abstain: Cole

B. Councilmember Appointments

Mayor Kurtz recused himself from the Airport Advisory Committee appointment. Clerk Golding stated that Council needs to appoint a Councilmember to the following committees:

- Airport Advisory Committee - 2 year term
- Board of Review - 1 year term (Councilmember Perron incumbent)
- Board of Review - 1 year term (Councilmember Kalbfell incumbent)
- Solid Waste Ordinance Ad-Hoc Committee - no term

Deputy Mayor Cole questioned whether the Airport Advisory Committee (AAC) was necessary. Councilmember Oleksy felt that the meetings he attended were interesting and informative and he also felt the AAC was necessary. Councilmember Kalbfell felt that the Airport Manager could address any concerns with Airport users and the City Manager without the AAC similar to other City department heads. The history of the AAC was discussed as well as the level of aviation experience on the Committee. Councilmember Hagen felt the AAC was appropriate only if there was a specific task to be discussed.

Deputy Mayor Cole opened the item to public comment.

Bill Supernaw, 2nd Ward, recommended that the AAC be dissolved. He recalled the meetings he attended and noted that the meetings created controversy rather than being productive.

Don Seeley, AAC member, explained the reasons why the Committee was necessary to run an efficient Airport. He noted the many AAC accomplishments over the last year. He stated that "to dissolve the Committee was a stupid idea."

Boogie Carlson suggested leaving the decision up to the new Airport Manager and noted the challenge of inheriting the current membership of the AAC. City Manager Heydlauff was not in favor of having Staff recommend Committee members.

The item was closed to the public.

Motion by Councilmember Perron, second by Councilmember Hagen, to appoint Councilmember Oleksy to the Airport Advisory Committee, term expiring November 2019.

Yeas: Perron, Hagen, Bryan

Nays: Kalbfell, Cole

Abstain: Oleksy

Mayor Kurtz returned to the dais.

Motion by Councilmember Hagen, second by Councilmember Cole, to re-appoint Councilmember Kalbfell to the Board of Review, term expiring November 2018.

Yeas: Perron, Hagen, Oleksy, Cole, Bryan

Nays: None

Abstain: Kalbfell

Motion by Councilmember Hagen, second by Councilmember Cole, to re-appoint Councilmember Perron to the Board of Review, term expiring November 2018.

Yeas: Hagen, Oleksy, Kalbfell, Cole, Bryan

Nays: None

Abstain: Perron

Motion by Councilmember Hagen, second by Councilmember Kalbfell, to appoint Councilmember Bryan to the Solid Waste Ordinance Ad-hoc Committee.

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

Nays: None

Abstain: Bryan

Council agreed to retain former Councilmember Gibson on the Solid Waste Committee.

C. Job Description Revision – City Clerk/Executive Assistant

Motion by Councilmember Perron, second by Councilmember Kalbfell, to approve the City Clerk/Executive Assistant job description as presented.

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

Nays: None

8. Reports & Communications

A. Public Comments

Richard Nuciam recalled his history in Charlevoix and boating in the area. He discussed the marina slip cost increases over the last few years and asked Council for a cost reduction.

B. City Manager Comments

City Manager Heydlauff reported on the following:

- Recommended scheduling a Work Session to discuss 2018/2019 Council Goals
- Discussed crosswalks, potential bridge lighting project, overhead wires and 2020 highway reconfiguration with MDOT
- Received 10 RFPs for Website Redesign with recommendations coming in December
- Congratulated Hal Evans for having a great career with the City as well as being a great City ambassador.

C. Mayor & Council Comments

Councilmember Oleksy questioned the status of the boat slip investigation and City Manager Heydlauff replied that the City Attorney was reviewing the documents.

9. **Other Council Business**

10. **Adjourn**

The Mayor adjourned the meeting at 9:56 p.m.

Joyce M. Golding	City Clerk	Luther Kurtz	Mayor
Regular Accounts Payable – 11/21/2017			
ABRAMOWSKI, DWAIN M.	50.00	MISTRAS GROUP INC	750.00
ACE HARDWARE	2,476.14	MJS PAINTING INC	1,600.00
ALL-IN-ONE PAINT & STAIN	630.00	MUNSON HEALTHCARE CHX HOSPITAL	27.70
ALL-PHASE ELECTRIC SUPPLY CO.	257.47	NICE RINK	5,702.74
ALPENA SUPPLY COMPANY	3,820.74	NORTHERN A-1 ENVIRONMENTAL SVCS	1,728.75
AMERICAN LEGAL PUBLISHING CORP	3,200.00	NORTHERN CREDIT BUREAU	460.12
AMERICAN WASTE INC.	3,347.16	NORTHWEST KENT MECHANICAL CO	806.20
AUTO VALUE	1,832.39	NYE UNIFORM CO	381.44
AVFUEL CORPORATION	28,671.37	OHDE, SUSANNAH	75.00
B & L SOUND INC	41.97	OTEC	34.00
BEIJO DE CHOCOLAT LLC	42.00	OUDBIER INSTRUMENT CO	3,356.60
BERG, REBECCA	15.00	OWENS, MAUREEN	57.44
BLARNEY CASTLE OIL CO	952.13	PARASTAR INC.	1,440.25
BRADFORD'S	54.15	PICTURE THIS	33.50
BS& A SOFTWARE	1,138.00	PLUNKETT & COONEY	660.00
CARQUEST OF CHARLEVOIX	1,023.74	POWER LINE SUPPLY	4,020.84
CCP INDUSTRIES INC	271.78	PREIN & NEWHOF	5,933.29
CHARLEVOIX SCREEN MASTERS INC	50.00	PRESTON FEATHER	112.13
CHARTER COMMUNICATIONS	1,041.16	PROVIDENCE FARM LLC	139.00
CHEMSEARCH	169.28	PURITY CYLINDER GASES INC	58.35
CINTAS CORPORATION #729	60.89	PVS TECHNOLOGIES INC	6,736.95
CITY OF CHARLEVOIX - UTILITIES	31,824.92	QUICK CARE MEDICAL CENTER	98.00
COOK FAMILY FARMS	47.00	R & R PRODUCTS INC	233.11
DERRER OIL & PROPANE CO	635.25	RANGE TELECOMMUNICATIONS	118.80
DITCH WITCH SALES OF MICHIGAN	1.88	RUSTIC BAKER	23.00
EJ USA INC.	709.23	SCIENTIFIC BRAKE & EQUIP CO	3,072.90
EMERGENCY MEDICAL PRODUCTS INC	440.53	SHINDORF BUILDERS	871.00
FAMILY FARM & HOME	593.63	SIEGRIST, DAVID	15.00
FASTENAL COMPANY	19.24	SOUND ENVIRONMENTS	455.00
FEYEN ZYLSTRA LLC	270.00	SPARTAN DISTRIBUTORS INC	465.22
FREEDOM MAILING SERVICES INC.	2,281.97	SPARTAN STORES LLC	38.94
GOLDING, JOYCE M.	101.82	STATE OF MICHIGAN	130.00
GRAINGER	623.63	STATE OF MICHIGAN	1,291.55
HARBOR FENCE COMPANY	897.00	STERRETT, DONNA	75.00
HEYDLAUFF, MARK L	449.21	SULLIVAN, LAWRENCE R	6,305.00
HILLING, NICHOLAS A.	47.08	SUPERIOR MECHANICAL	90.00
HYDRO CORP	530.00	THAYER POWER & COMMUNICATION	36,918.00
JONES, JANET	568.71	THORNTON, KAYE	15.00
KASSBOHRER ALL TERRAIN VEHICLE	801.56	UNIFIRST CORPORATION	653.17
KIWANIS CLUB OF CHARLEVOIX	40.00	UP NORTH PROPERTY SERVICES LLC	841.00
KOORSEN FIRE & SECURITY	211.80	USA BLUE BOOK	783.88
KSS ENTERPRISES	282.51	VAN'S BUSINESS MACHINES	698.68
MASSON, DONALD J.	60.00	VILLAGE GRAPHICS INC.	1,131.19
MCCARDEL CULLIGAN-PETOSKEY	50.00	WADE TRIM OPERATIONS SERVICES	918.90
MCCI	950.00	WATTA COOKIE LLC	45.00
METTLER TOLEDO INC	1,772.19	WILBERT BURIAL VAULT CO	379.52
MICHIGAN MUNICIPAL LEAGUE	16,049.00		
MICHIGAN OFFICEWAYS INC	736.93	TOTAL	199,921.62
ACH Payments – 11/02/2017 to 11/17/2017			
NEOFUNDS BY NEOPOST (ACH FEE)	50.00	IRS (PAYROLL TAX DEPOSIT)	32,333.17
MI PUBLIC POWER AGENCY	14,387.53	ALERUS FINANCIAL (HCSP)	420.00
PAYMENT SERVICE NETWORK	249.30	STATE OF MI (WITHHOLDING TAX)	4,683.88
DTE ENERGY	1,486.71	VANTAGEPOINT (401 ICMA PLAN)	742.50
STATE OF MI (SALES TAX)	17,739.44	VANTAGEPOINT (457 ICMA PLAN)	12,774.11
MI PUBLIC POWER AGENCY	14,995.06	VANTAGEPOINT (ROTH IRA)	1,161.53

MERS (DEFINED BENEFIT PLAN)	29,696.08	TOTAL	130,719.31
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Payroll Net Pay – Pay Period Ending 11/11/2017 (Paid 11/17/2017)

GIBSON, SHIRLEY J.	258.05	FERGUSON, ROYCE L.	688.92
WELLER, LINDA JO	1,496.31	BOSS, SHERRY M.	405.84
HEYDLAUFF, MARK L.	2,259.85	KIRINOVIC, THOMAS F.	497.39
GOLDING, JOYCE M.	1,132.69	ANZELL, BETH A.	597.82
DEROSIA, PATRICIA E.	1,101.04	BOSS, BEAU J.	849.92
DOTSON, LINDSEY J.	1,444.91	HEID, THOMAS J	1,246.88
LOY, EVELYN R.	1,048.93	MASSON, DONALD J.	379.00
KLOOSTER, ALIDA K.	1,567.40	LIVINGSTON, BRIAN D.	690.51
GOLOVICH, KAREN J.	948.18	VANLOO, JOSEPH G.	681.15
SPENCLEY, PATRICIA L.	1,119.89	WYMAN, MATTHEW A.	1,333.20
MILLER, FAITH G.	30.42	BOSS, RYDER S.	451.03
LEESE, MERRI C.	198.15	MILLER, WILLIAM S.	1,006.86
MCGINN, KELLY A.	1,616.81	DOUGLAS, MARK	533.40
JONES, JANET M.	179.73	BRADLEY, JOHN P.	308.03
DOAN, GERARD P.	1,596.21	TRAVERS, MANUEL J.	1,637.63
SCHLAPPI, JAMES L.	1,101.00	STEVENS, JEFFREY W.	171.72
UMULIS, MATTHEW T.	1,459.45	RILEY, CASEY W.	389.83
HANKINS, SCOTT A.	1,657.81	JONES, LARRY M.	643.00
ORBAN, BARBARA K.	1,255.72	WILLSON, BRENDA R.	875.82
FLICKEMA, ANDREW M.	1,386.86	BEAN, PETER J.	375.87
MATELSKI, KIMBERLY A.	1,185.34	MCMULLEN, DONALD R.	1,065.17
RILEY, DENISE M.	438.74	BOYCE, REBECCA L.	744.59
MATELSKI, RYAN G.	975.66	MCFARLAND, JONATHAN A.	568.42
WURST, RANDALL W.	1,218.73	SILVA, JESSE L.A.	284.54
MAYER, SHELLEY L.	1,766.93	BASSETT, FREDERICK A.	310.52
HILLING, NICHOLAS A.	1,346.97	CARLSON, JOANNE E.	112.50
MEIER III, CHARLES A.	1,126.87	COLT, JUDITH C.	115.00
ZACHARIAS, STEVEN B.	1,159.84	FRANCIS, CATHERINE A.	119.00
SWEM, DONALD L.	1,875.31	LALONDE, SANDRA L.	115.00
EATON, BRAD A.	1,960.22	GORDON, JUDITH A.	115.00
WILSON, TIMOTHY J.	2,138.96	VILLERMAIN-SHEA, MICHELLE M.	197.75
LAVOIE, RICHARD L.	1,644.41	DALY, SUZETTE M.	184.00
STEVENS, BRANDON C.	2,114.24	GERBER, SAMUEL A.	101.58
DRAVES, MARTIN J.	1,610.95	WHITLEY, ANDREW T.	1,894.16
BROWN, STEPHANIE C.	1,023.56	MORRISON, KEVIN P.	1,198.72
ANDERSON, ELIZABETH A.	1,112.49	JOHNSON, STEVEN P.	1,273.92
ELLIOTT, PATRICK M.	2,000.49	BISHAW, JAMES H.	623.71
SCHWARTZFISHER, JOSEPH L.	1,235.76	BOSS JR, DALE E.	1,051.35
BRADLEY, KELLY R.	1,613.47	HOLM, ARTHUR R.	957.97
HART II, DELBERT W.	1,263.75	GILL, DAVID R.	1,021.45
JONES, ROBERT F.	1,191.40	MATTER, DAWSON K.	1,663.54
DORAN, JUSTIN J.	1,571.28	DROST, PATRICIA A.	192.50
FARRELL, MITCHELL L.	1,394.92	RUDOLPH, JOELLEN B.	113.75
MANKER JR, DAVID W.	520.01	LEFT, LILLIAN M.	110.00
BECKER, MICHAEL S.	728.26	BUDAY, JOAN E.	155.00
NEDWICK, DAVID J.	427.96	CAMPBELL, KAREN L.	115.00
FREY, DYLAN V.	528.28	PICOTTE, DIANE M.	190.00
MCGHEE, ROBERT R.	980.51	LALEWICZ, AMELIA M.	110.00
CRANDELL, ZACKARY R.	367.18	CIUK, JULIA A.	172.50
LEITNER, RYAN S.	789.19	TOTAL	88,811.55

Payroll Transmittal – 11/17/2017

4FRONT CREDIT UNION	550.00	CHEMICAL BANK	150.00
AMERICAN FAMILY LIFE	158.28	COMMUNICATION WORKERS OF AMER	541.06
AMERICAN FAMILY LIFE	366.72	MI STATE DISBURSEMENT UNIT	401.83
CHAR EM UNITED WAY	59.00	PRIORITY HEALTH	1,640.74
CHARLEVOIX STATE BANK	1,260.77	TOTAL	5,147.69

Tax Disbursement – 11/21/2017

CHARLEVOIX COUNTY TREASURER	7,548.19	CHARLEVOIX PUBLIC SCHOOLS	361.11
CHARLEVOIX PUBLIC SCHOOLS	12,063.56	CITY OF CHARLEVOIX - TAXES DUE	9,054.51
CHARLEVOIX PUBLIC SCHOOLS	1,805.76		
CHARLEVOIX PUBLIC SCHOOLS	361.11	TOTAL	31,194.24