

**CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, March 6, 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

None.

4. Inquiry Regarding Conflicts of Interest

The Mayor stated that he would recuse himself from the public hearing but, intended on facilitating a presentation regarding his development plan for the area. After a lengthy debate, Council agreed that the Mayor should not be allowed to make his presentation at this meeting. The presentation will be facilitated by someone other than the Mayor at the March 20th meeting.

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 – February 20, 2017 Regular Meeting
- B. Special Accounts Payable Check Register – February 21, 2017
- C. Regular Accounts Payable Check Register – March 7, 2017
- D. ACH Payments – February 21, 2017 to February 27, 2017
- E. Payroll Check Register – February 23, 2017
- F. Payroll Transmittal – February 23, 2017
- G. Tax Disbursement – March 7, 2017
- H. Approve Garden Plot Donation for the Charlevoix Food Pantry
- I. Approve Softball/Baseball Field Operator, Golf Grounds Maintenance/Spray Technician, and Golf Grounds Maintenance Seasonal Job Descriptions dated 03/06/2017
- J. Approve AT&T Renewal Agreement

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

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

6. Public Hearings & Actions Requiring Public Hearings

- 1. Public Hearing on Pedestrian Use of Van Pelt Alley
Mayor Kurtz recused himself.

City Manager Heydlauff stated that on February 6, Council considered a request to close a portion of Van Pelt Alley to vehicular traffic. The section extends west of the north-south Van Pelt Alley. At that time, Council asked for more information on pedestrian alleys from Staff Planner Lucas, and also scheduled a Public Hearing for tonight. He confirmed that letters were sent to property and business owners within the block of Bridge, State, Clinton and Park Streets. City Manager Heydlauff also noted that Ken Polakowski, Shade Tree Commission, suggested that the City look into the Sustainable Built Environment Initiative (SBEI) through Michigan State University.

Clerk's note – The City Manager received the following letters from the public: Mr. & Mrs. John Belfy and Mr. Ken Polakowski were in favor of the closure, whereas Mr. Ian Simpson and Ms. Julee Roth were not in favor of closure.

Deputy Mayor Cole opened the public hearing at 7:18 p.m.

Rick Root, Taffy Barrel, was opposed the closing Van Pelt Alley. He noted delivery trucks block the alley, therefore the side alley is required for vehicle access.

Dr. Steven Voci, 103 Clinton, was opposed to closing the Alley. He foresees a lot of vehicle traffic in his back yard.

Ed Mann, Smoke on the Water, was opposed to closing the Alley. He voiced complaints about traffic and signage for his restaurant.

Greg Stevens, cautioned Council about making a decision tonight without knowing the whole picture (without a presentation from the requestor).

Nancy Suzor, Elements Gallery, was opposed to closing the Alley and expressed concern with deliveries, parking availability and clear lines of sight.

John Campbell, Main Street Design Committee, felt that the overall plan should go before the Planning Commission as well as Main Street before coming to Council for a decision.

Leroy Sumner, Seeley's Printing, stated that he did not receive a notice of the public hearing and was opposed to closing the Alley.

Julie Mann, Smoke on the Water, was opposed to closing the Alley. She discussed the conflict of interest and questioned what Mayor Kurtz's agenda was for Charlevoix.

Danielle Sheller, Salon Beautiful You and future tenant of 100 Van Pelt Alley, stated she was excited about new business in the Alley and was concerned with safe access for her customers. She suggested that as an alternative, the Alley could be closed to vehicle traffic during certain times of the day.

Bill Supernaw stated he was embarrassed by the conflict of interest discussion at the beginning of this meeting. He felt that some Councilmembers had an ongoing vendetta against the Kurtzs and were embarrassing the City with "anti-business and anti-growth".

Luther Kurtz stated that he did not feel like this was a vendetta and noted that several important points were raised which he takes seriously as a developer. He commented that his goal was to make the Van Pelt Alley area great for everyone with or without closing a section of the Alley to vehicles.

The public hearing was closed at 7:54 p.m.

Deputy Mayor Cole felt that a presentation would offer more information and Councilmembers Kalbfell and Hagen agreed that it would allow for a more educated decision.

Councilmember Oleksy stated that he had no personal feelings toward Mr. Kurtz and was offended by Mr. Supernaw's comments. He commented that the Alley should have safe access to the area including fire and EMS and felt that it was important to leave the Alley open. Chief Doan noted that he would have to research how many EMS calls occur in the area.

Councilmember Gibson stated that she was in favor of a comprehensive site plan for the entire area and was not in favor of closing 40 feet of the Alley. She felt that it was wrong for a business to use public property in this manner.

Councilmember Perron commented EMS had its challenges getting to the area.

Motion by Councilmember Gibson, second by Councilmember Oleksy, to study the Sustainable Built Environment Initiative from MSU with input from Sarah Lucas.

City Manager Heydlauff commented that the application deadline was March 30th and he would work with Staff Planner Lucas.

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

Rick Root noted that there was only one 'One Way' sign on the Alley and requested additional signage.

Mayor Kurtz returned to the dais.

7. All Other Actions & Requests

A. Ferry Beach Pier Dredging

Chief Doan recalled that Council was in favor of expanding swimming and diving at Ferry Beach Pier and decided to move forward to have Site Planning apply for the appropriate permits. Chief Doan met with Traver Wood of Site Planning and Ben Cunningham to discuss the dredging project further. The proposed project would include: dredging (\$15,000-\$20,000), new cement cap (\$7,000-\$10,000), and railings along the pier (\$7,000-\$10,000) for a total cost of \$35,000-\$40,000. City Manager Heydlauff noted that the current budget does not allow for a project of this magnitude and recommended that the item be pushed off for another year. Further details of the proposed project were discussed.

Mayor Kurtz opened the item to public comment.

Greg Stevens questioned whether Mr. Cunningham's dredging price was all inclusive and Chief Doan responded affirmatively.

The item was closed to the public.

Motion by Councilmember Cole, second by Councilmember Hagen, to transfer the reopening of the Ferry Beach Pier to the 2018/2019 Capital Budget and direct Staff to plan accordingly.

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

B. Charlevoix, Cheboygan and Emmet County Hazard Mitigation Plan

Chief Doan stated that the Charlevoix, Cheboygan and Emmet County Office of Emergency Management proposed a Hazard Mitigation Plan that determines funding for projects that reduce the potential for damage when an event occurs. The plan is approved by FEMA, Michigan State Police, and Homeland Security Division. Once adopted it will enable the City to be eligible for grant funding for specific projects approved in the plan.

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

Motion by Councilmember Gibson, second by Councilmember Kalbfell, to approve and adopt the Hazard Mitigation Plan.

**CITY OF CHARLEVOIX
RESOLUTION NO. 2017-03-01**

RESOLUTION ADOPTING THE CHARLEVOIX, CHEBOYGAN AND EMMET COUNTY HAZARD MITIGATION PLAN

- WHEREAS,** the Counties of Charlevoix, Cheboygan and Emmet, MI, have experienced natural hazards that result in public safety hazards and damage to private and public property; and
- WHEREAS,** the hazard mitigation planning process set forth by the State of Michigan and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk; and
- WHEREAS,** the Michigan State Police Emergency Management and Homeland Security Division is providing federal mitigation funds to support development of the mitigation plan; and
- WHEREAS,** the Hazard Mitigation Plans for Charlevoix, Cheboygan and Emmet Counties have been combined and updated by the Tri-County Office of Emergency Management; and
- WHEREAS,** the Hazard Mitigation Plan includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property; and

WHEREAS, the draft plan was provided to each participating jurisdiction and was posted on the Tri-County Office of Emergency Management’s website so as to introduce the planning concept and to solicit questions and comments from the public; and

WHEREAS, public hearings were held in Charlevoix, Cheboygan and Emmet County to allow the public the opportunity to comment on the plan.

NOW THEREFORE BE IT RESOLVED,

- 1. The Charlevoix, Cheboygan and Emmet County Multi-Jurisdictional Hazard Mitigation Plan, as submitted to and approved by the Michigan State Police Emergency Management and Homeland Security Division and the Federal Emergency Management Agency on October 20, 2016 by the Tri-County Office of Emergency Management was adopted as an official plan of Counties of Charlevoix, Cheboygan and Emmet; and
- 2. The Charlevoix, Cheboygan and Emmet County departments identified in the plan may now pursue implementation of the recommended high priority activities that are assigned to their departments; and
- 3. Any action proposed by the plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Charlevoix, Cheboygan and Emmet County Board of Commissioners respectively and this resolution shall not be interpreted so as to mandate any such appropriations; and
- 4. The Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress.

RESOLVED this 6th day of March, 2017 A.D.

Resolution was adopted by the following yea and nay vote:

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

- C. Marina WiFi
City Manager Heydlauff recalled that we struggled to provide quality wireless internet coverage at the Marina and we identified two main issues: limited bandwidth and problems with the hardware distributing data to the boaters. He described two options in depth which included Charter and Merit Network with Aspen Wireless. City Manager Heydlauff noted that East Jordan and Traverse City both use Aspen Wireless. He felt that the Aspen arrangement would let us build out the WiFi coverage by utilizing our light and electric poles to mount small antennae and could spread this incrementally to provide broader coverage.

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

Motion by Councilmember Perron, second by Councilmember Cole, to approve the quote from Aspen Wireless for an amount not to exceed \$19,499 and authorize the City Manager to sign all necessary documents, including the initiation and execution of a contract with Merit Network and Charlevoix County.

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

8. Reports & Communications

- A. Public Comments
Greg Stevens questioned whether there will be a presentation on the Alley. It was confirmed that the presentation would be held at the March 20th Council meeting and discussion will continue.

Rick Root felt that no decision can be made on the Alley without a comprehensive plan. It was confirmed that no decision will be made after the presentation.

- B. City Manager Comments
City Manager Heydlauff stated MDOT scheduled the bridge closure beginning March 27th from 11 p.m. to 5 a.m. on 12 consecutive nights. He assured Council that the City will have emergency coverage with the assistance of Charlevoix Township. He indicated that discussion with Township Supervisor Center regarding combined department coverage is continuing.

City Manager Heydlauff reminded Council of the June 19th Council meeting scheduled at the Depot to commemorate its 125th anniversary. A Main Street Work Session is scheduled for Wednesday, March 8th at 1:30 p.m.

- C. Mayor & Council Comments
Mayor Kurtz admitted that this was a tough meeting and the conflict of interest issue was surprising. He remarked that he appreciated everyone’s comments.

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 8:34 p.m.

Joyce M. Golding	City Clerk	Luther Kurtz	Mayor
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Special Accounts Payable – 02/21/2017			
AT&T	2,224.48	DELTA DENTAL	3,572.06
AT&T MOBILITY	90.07	GREAT LAKES ENERGY	242.67
CHARLEVOIX STATE BANK	11,203.90	METLIFE SMALL BUSINESS CENTER	686.13
CHARTER COMMUNICATIONS	392.57	PRIORITY HEALTH	41,369.84

VERIZON WIRELESS	56.72		
VISION SERVICE PLAN	518.88	TOTAL	60,357.32

Regular Accounts Payable – 03/07/2017

a5 BRANDING & DESIGN	2,106.41	KSS ENTERPRISES	137.74
AIRGAS USA LLC	123.22	LAKE SHORE TIRE & AUTO SERVICE	26.00
ALTEC INDUSTRIES INC	596.57	LEESE, M. CHRIS	89.88
ARCADIA BENEFITS GROUP INC	25.00	LEMON, THOMAS	220.00
ARGUS/HAZCO	303.93	LOUCKS, SHERRI	30.69
ARROW UNIFORM-TAYLOR L.L.C.	1,153.50	MACKENZIE, JOHN	165.00
ASPLUNDH TREE EXPERT CO	9,191.38	MARTIN, RICHARD	58.06
AT&T LONG DISTANCE	47.16	MAYER, SHELLEY L.	41.00
B & L SOUND INC	198.92	McGINN, KELLY	41.00
BALCH, GARY	165.00	MERRILL, BARRY	155.00
BEEMON, RICK	101.50	MICHIGAN WATER ENV ASSOC	130.00
BINSTADT, RICHARD	5.50	MILLER, WILLIAM S.	41.00
BOB MATHERS FORD	872.80	NETSOURCE ONE INC.	96.00
BOSS, LINDA K.	312.56	NORTHERN FIRE & SAFETY INC.	253.50
BRADLEY, KELLY R.	86.00	NORTHERN MICHIGAN REVIEW INC.	2,204.30
CCI SOUTH LLC	157.50	NORTHERN PUMP & WELL	1,200.00
CENTRAL DRUG STORE	127.92	NW MI COG	2,240.00
CHARLEVOIX GLASS INC.	100.00	O'LEARY, LINDA	42.38
CHARLEVOIX SCREEN MASTERS INC	4,677.00	ORTWINE, MICHAEL	130.94
CHARLEVOIX STATE BANK	190.00	OTWELL MAWBY	10,055.00
CHARLEVOIX TOWNSHIP	399.00	PAIR, EDITH	7.73
COHEN, VIVIAN	121.00	PANOFF, ZACH	41.00
CROSSROADS MOBILE MAINTENANCE	2,421.00	PERFORMANCE ENGINEERS INC	6,696.25
DAVIS, JEAN	49.50	PERSONAL GRAPHICS	1,112.22
DCASSESSING SERVICES	4,371.08	PLUNKETT & COONEY	1,420.00
DeROSIA, PATTY	41.00	PORATH, JAKE	160.00
DOAN, GERARD	383.60	POWER LINE SUPPLY	5,541.04
DOTSON, LINDSEY J.	41.00	PREIN & NEWHOF	8,023.20
ELLIOTT, PATRICK M.	355.98	PRO WEB MARKETING LLC	10.00
EMERGENCY MEDICAL PRODUCTS INC	1,020.61	PVS TECHNOLOGIES INC	6,245.51
ETNA SUPPLY	6,810.00	RYLANDER, DONALD	42.38
EVANS, HAL	41.00	SCHMUCKAL OIL CO	677.60
FASTENAL COMPANY	16.75	STATE OF MICHIGAN	70.00
GOLDING, JOYCE	41.00	STEPHAN, PAUL	25.00
GREAT LAKES ELEVATOR LLC	2,600.00	SUPERIOR MECHANICAL	160.00
GRP ENGINEERING INC.	267.77	SWEM, DONALD L.	41.00
GRULER'S FARM SUPPLY INC	693.50	TERMINAL SUPPLY CO	991.86
HACH COMPANY	1,602.69	THE BANK OF NEW YORK MELLON N.A.	502,326.56
HANKINS, SCOTT	41.00	THIRD DAY FELLOWSHIP	2,000.00
HART II, DELBERT W.	86.00	TRUCK & TRAILER SPECIALTIES	829.17
HEID, THOMAS J.	41.00	U.S. SAWS	818.32
HEYDLAUFF, MARK L	41.00	USA BLUE BOOK	753.50
HILER, SHERRY	19.07	VILLAGE GRAPHICS INC.	5.00
HOLIDAY COMPANIES	5,548.32	WAGNER, BRIAN	115.50
HOSLER, MAGGIE	39.10	WELLER, LINDA	41.00
JACK DOHENY SUPPLIES INC	510.11	WITHERSPOON, JAMES	134.47
JACKSON, CAITLIN	70.00	WITHROW, GREGORY	37.65
JOPPA HOUSE MINISTRIES PROGRAM	5,000.00	WORK & PLAY SHOP	132.03
KELSEY, DORA	34.28	WURST, RANDALL W.	355.98
KEVIN'S METER TESTING	1,857.96	WYMAN, MATTHEW A.	41.00
KIRINOVIC, THOMAS	41.00	ZACHARIAS, STEVEN B.	86.00
KLOOSTER, ALIDA K.	41.00	TOTAL	611,486.65

ACH Payments – 02/21/2017 to 02/27/2017

MI PUBLIC POWER AGENCY	30,484.16	VANTAGEPOINT (ROTH IRA)	911.53
IRS (PAYROLL TAX DEPOSIT)	33,096.28	MERS (DEFINED BENEFIT PLAN)	26,381.28
ALERUS FINANCIAL (HCSP)	420.00	MI PUBLIC POWER AGENCY	10,236.16
STATE OF MI (WITHHOLDING TAX)	4,855.68	MI PUBLIC POWER AGENCY	254,554.93
VANTAGEPOINT (401 ICMA PLAN)	699.94		
VANTAGEPOINT (457 ICMA PLAN)	12,425.08	TOTAL	374,065.04

Payroll Net Pay – Pay Period Ending 02/18/2017 (Paid 02/23/2017)

WELLER, LINDA JO	1,469.19	ZACHARIAS, STEVEN B.	1,380.81
HEYDLAUFF, MARK L.	2,109.01	EATON, BRAD A.	1,738.14
GOLDING, JOYCE M.	1,080.00	WILSON, TIMOTHY J.	2,016.65
DEROSIA, PATRICIA E.	891.92	LAVOIE, RICHARD L.	1,675.52
DOTSON, LINDSEY J.	1,393.28	STEVENS, BRANDON C.	1,859.12
LOY, EVELYN R.	1,050.16	DRAVES, MARTIN J.	1,647.10
KLOOSTER, ALIDA K.	1,540.11	BROWN, STEPHANIE C.	354.39
GOLOVICH, KAREN J.	970.67	ANDERSON, ELIZABETH A.	1,108.01
SPENCLEY, PATRICIA L.	1,272.04	ELLIOTT, PATRICK M.	1,962.28
PANOFF, ZACHARY R.	1,169.91	SCHWARTZFISHER, JOSEPH L.	1,244.45
MILLER, FAITH G.	29.83	BRADLEY, KELLY R.	1,301.49
LEESE, MERRI C.	523.99	HART II, DELBERT W.	1,237.87
MCGINN, KELLY A.	1,564.08	JONES, ROBERT F.	1,382.71
DOAN, GERARD P.	1,559.32	DORAN, JUSTIN J.	1,507.13
SCHLAPPI, JAMES L.	1,161.53	KIRINOVIC, THOMAS F.	521.46
UMULIS, MATTHEW T.	1,230.71	BITELY, KATHERINE A.	335.10
HANKINS, SCOTT A.	1,456.97	BOSS, SHERRY M.	587.43
ORBAN, BARBARA K.	1,249.50	BRADLEY, JOHN P.	50.79
TRAEGER, JASON A.	548.67	DIXON, MIKAYA S.	258.77
FLICKEMA, ANDREW M.	1,698.84	NIMPHIE, NOAH J.D.	265.26
MATELSKI, KIMBERLY A.	1,143.82	PORATH, JACOB P.	129.29
RILEY, DENISE M.	424.69	HAGEN, MADISON L.	460.12
WURST, RANDALL W.	960.48	CRANDELL, ZACKARY R.	331.65
MAYER, SHELLEY L.	1,353.00	BERTINELLI, DAVID P.	923.57
HILLING, NICHOLAS A.	1,197.08	ARNOLD, HAILEE M.	265.26
MEIER III, CHARLES A.	1,403.16	BOSS, BEAU J.	849.92

BARNEVELD, VLADIMIR R.	455.18	WHITLEY, TYLER J.	1,008.40
FICHTNER, KRISTIE S.	221.64	MCCALIB, RACHELLE L.	370.61
HEID, THOMAS J	1,273.44	TRAVERS, MANUEL J.	1,137.16
VANLOO, JOSEPH G.	442.59	SILVA, JESSE L.A.	132.14
WYMAN, MATTHEW A.	1,423.43	RILEY, DANIEL A.	1,864.76
BOSS, RYDER S.	464.72	SWEM, DONALD L.	1,834.09
MILLER, WILLIAM S.	988.59	WHITLEY, ANDREW T.	1,703.19
DOUGLAS, MARK	404.00	MORRISON, KEVIN P.	1,492.80
STEVENS, JEFFREY W.	629.42	HODGE, MICHAEL J.	1,259.66
FUNKEY, KRAIG R.	154.68	JOHNSON, STEVEN P.	1,363.03
MEGGISON, JERRY B.	229.06	BOSS JR, DALE E.	1,212.17
RILEY, CASEY W.	644.44	MILAN, JANE E.	60.03
THORMAN, MIKAYLA R.	362.81	STEBE JR, JOHN M.	411.27
JONES, LARRY M.	1,393.22	STEBE, CATHERINE M.	376.91
FLORE, ROBERT A.	892.49	HOLM, ARTHUR R.	684.31
WILLSON, BRENDA R.	1,250.44	ROLOFF, AUDREY M.	431.02
BEAN, PETER J.	1,893.28	MATTER, DAWSON K.	2,302.33
FENNELL, DREW M.	242.27	WHITLEY, ADAM T.	114.51
RILEY, REBECCA J.	114.52	TOTAL	87,084.86

Payroll Transmittal – 02/23/2017

4FRONT CREDIT UNION	307.69	CHEMICAL BANK	150.00
AMERICAN FAMILY LIFE	191.88	COMMUNICATION WORKERS OF AMER	519.37
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	2,204.62	TOTAL	6,232.61

Tax Disbursement 03/07/2017

CHARLEVOIX COUNTY TREASURER	1,158.73	CHARLEVOIX PUBLIC SCHOOLS	10.07
CHARLEVOIX COUNTY TREASURER	264.29	CHARLEVOIX PUBLIC SCHOOLS	169.55
CHARLEVOIX COUNTY TREASURER	283,057.82	CITY OF CHARLEVOIX - TAXES DUE	70,485.90
CHARLEVOIX COUNTY TREASURER	124.28	HOLM, BILLIE JEAN	50.31
CHARLEVOIX DISTRICT LIBRARY	97,928.25	RECREATIONAL AUTHORITY	19,222.01
CHARLEVOIX PUBLIC SCHOOLS	3,997.21	STATE OF MICHIGAN	2,948.18
CHARLEVOIX PUBLIC SCHOOLS	1,131.00	TOTAL	480,665.29
CHARLEVOIX PUBLIC SCHOOLS	117.69		