

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, July 1, 2019 – 6:00 p.m.
Council Chambers, 210 State Street, Charlevoix, MI

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

1. Pledge of Allegiance

2. Roll Call

Mayor: Luther Kurtz
Members Present: Greg Bryan, Shane Cole, Aaron Hagen, Tom Oleksy Leon Perron
Members Absent: Janet Kalbfell
City Manager: Mark L. Heydlauff
City Clerk: Joyce Golding

3. Presentations

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 – June 17, 2019
- B. Accounts Payable and Payroll Check Registers
 - a. Special Accounts Payable Check Register – June 20, 2019
 - b. Regular Accounts Payable Check Register – July 2, 2019
 - c. ACH Payments – June 17, 2019 to June 28, 2019
 - d. Payroll Check Register – June 28, 2019
 - e. Payroll Transmittal – June 28, 2019
- C. MPPA Commissioners Appointment – approve Don Swem and Mark Heydlauff

CITY OF CHARLEVOIX
RESOLUTION NO. 2019-07-01
APPOINTMENT OF MICHIGAN PUBLIC POWER AGENCY ALTERNATE COMMISSIONER

WHEREAS, the City of Charlevoix is a member of the Board of Commissioners for the Michigan Public Power Agency; and

WHEREAS, the City of Charlevoix needs to be represented by an authorized voting delegate at MPPA meetings.

NOW THEREFORE BE IT RESOLVED, that the City of Charlevoix City Council hereby appoints Electric Superintendent Don Swem as its Commissioner and City Manager Mark Heydlauff as its Alternate Commissioner.

RESOLVED this 1st day of July, 2019 A.D.

Resolution was adopted by the following yea and nay vote:

Yeas: Cole, Perron, Oleksy, Bryan, Hagen

Nays: None

Absent: Kalbfell

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

Yeas: Cole, Perron, Oleksy, Bryan, Hagen

Nays: None

Absent: Kalbfell

6. Public Hearings & Actions Requiring Public Hearings

7. All Other Actions & Requests

A. Short-Term Rental Registration Moratorium

City Manager Heydlauff stated that the City Attorney drafted a resolution for a formal moratorium on the registration of short-term rentals. Council concurred to a 250 day moratorium beginning on July 1, 2019. They also agreed to hold work sessions to further discuss the future of short-term rentals.

Mayor Kurtz opened the item to public comment.

- Bob Gorkiewicz was opposed to short-term rentals located in R-1 areas.

- Larry Sullivan presented several comments.
The item was closed to the public.

Motion by Hagen, second by Perron, to approve Resolution 2019-07-02 establishing a temporary moratorium on short term rental registrations.

**CITY OF CHARLEVOIX
RESOLUTION NO. 2019-07-02**

RESOLUTION ESTABLISHING TEMPORARY MORATORIUM ON SHORT TERM RENTAL REGISTRATIONS

- WHEREAS,** *the City of Charlevoix has adopted regulations requiring annual registration of short term rentals to create the legal framework for a comprehensive and balanced system of regulating short term rentals within the City in the interest of public health, safety, and welfare; and*
- WHEREAS,** *Section 153.125(E) of the City's Zoning Ordinance requires annual registration and contains certain requirements for any short term rentals within the City; and*
- WHEREAS,** *despite the registration system and related requirements for short term rentals, Section 153.125(E) does not contain detailed regulations for the appropriate location, rules, and regulations within the various zones contained in the City's Zoning Ordinance; and*
- WHEREAS,** *on June 3, 2019 the City determined that short term rentals both support tourism but also potentially impact the housing stock for year round residents of the City and, therefore, the City needed to review its regulations and requirements for short term rentals; and*
- WHEREAS,** *in light of the need to potentially create new standards and regulations for short term rentals, the City promptly initiated a process to consider amendments to Section 153.125(E) of the zoning ordinance and/or to adopt additional police power ordinances to regulate short term rentals; and*
- WHEREAS,** *all property used or registered as short term rentals as of July 1, 2019 will continue to reasonably remain in use during the period of the moratorium; and*
- WHEREAS,** *the City has determined that it is necessary to give further study to short term rentals, in order to insure consistent, cohesive and sensible regulation of short term rentals within the City; and*
- WHEREAS,** *the City has determined that there is a legitimate public interest in temporarily deferring future short term rental registrations in order to avoid the potential impact of a loss of housing stock for year round residents, which would be adverse to the general character of the community; and*
- WHEREAS,** *the City has determined that during this further study, it would be counterproductive if applications for approvals of new short term rentals were allowed to move forward; and*
- WHEREAS,** *the City also recognizes that indefinitely deferring review of applications for approvals of registration for new short term rentals could result in hardship to some applicants.*
- THEREFORE BE IT RESOLVED,** *during the course of the City's deliberations as to the appropriate regulations for all short term rentals, review of all applications for short term rental registration pursuant to Section 153.125(E) should be deferred, and that a moratorium is hereby declared, effective immediately, for a maximum period of 250 days, subject to the City's right to reduce the moratorium period if the City determines that less time is needed for its deliberations; and*
- BE IT FURTHER RESOLVED,** *during the period of this moratorium, there shall be no consideration or action taken by the City, any elected official, any appointed official, or any employee on any request for any new registration for a short term rental; and*
- BE IT FURTHER RESOLVED,** *this moratorium shall not prohibit the use of property for short term rental if the property has already been registered with the City pursuant to Section 153.125(E); and*
- BE IT FURTHER RESOLVED,** *this moratorium shall not prohibit the acceptance and approval of short term rental registration applications submitted to the City prior to the adoption of this Resolution or if the owner of the property can establish that the property has previously been used as a short term rental and there is good cause for the failure to submit a short term rental registration prior to July 1, 2019; and*
- BE IT FURTHER RESOLVED,** *a property that is being used as a short term rental and is not registered with the City prior to the adoption of this Resolution shall be in violation of pursuant to Section 153.125(E) and the City shall continue to enforce Section 153.125(E) on a "complaints made" basis; and*
- BE IT FURTHER RESOLVED,** *during the period of this moratorium, any entity or property owner alleging that the deferred review resulting from*

the moratorium will result in a violation of applicable federal or state constitution or law shall be entitled to an expedited hearing before the City. At the conclusion of this hearing, the City shall make findings and conclusions with respect to whether or not the petitioner has demonstrated that this resolution on its face or as applied to the petitioner violates applicable federal or state constitution or law. If it is demonstrated and found that the deferral violates applicable federal or state constitution or law, the City shall grant relief from the moratorium to the extent necessary to cure the violation.

RESOLVED this 1st day of July, 2019 A.D.

Resolution was adopted by the following yea and nay vote:

Yeas: Cole, Perron, Oleksy, Hagen

Nays: Bryan

Absent: Kalbfell

B. Veterans Park Sign

Birdie Whitley has been working with area veterans groups to improve the visibility of Veterans Park in downtown. The groups proposed a sign and flag poles to fly the flags of each of the services. Though the effort is privately funded, City Staff would assist with getting power to light the flags and sign and other incidental costs.

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

Motion by Oleksy, second by Bryan, to approve the sign and flag concept for Veterans Park as presented and authorize City Staff to make all necessary arrangements which include park bench locations, lighting installation and removal of the drinking fountain. Motion passed by unanimous voice vote.

C. Selection of City Flag Design

City Manager Heydlauff stated that since the adoption of our new logo in 2016, we have continued to use the current flag design for the City. Since flag inventory is low and more flags needed to be purchased, Council was asked to choose a design in keeping with our new logo and brand standards.

Mayor Kurtz opened the item to public comment.

- Bob Timms was not in favor of the new flag design.

The item was closed to the public.

Motion by Cole, second by Hagen, to approve design B as the new City Flag and authorize City Staff to implement the new design. Motion passed by unanimous voice vote.

8. Reports & Communications

A. Public Comments

- Don Exelby expressed concerns that some aircraft are not respecting the suggested quiet hours.
- Mike Dougherty re-expressed concern regarding speeding on Park Avenue.

B. City Manager Comments

- Bridge Lighting ceremony is July 4th
- Shade Tree Commission will be marking locations for fall tree planting
- Ribbon cutting today for Boutique Emmanuel

C. Mayor & Council Comments

- Perron reported some positive feedback on the lane configuration
- Bryan commented on the alley improvements downtown
- Cole agreed with Perron and noted that EMTs have better access
- Oleksy expressed concern regarding the bridge reliability
- Kurtz suggested looking into audio enhancement technology for Council

9. Other Council Business

10. Adjourn

The Mayor adjourned the meeting at 7:02 p.m.

Special Accounts Payable – 06/20/2019

AT&T	4,375.67	PRIORITY HEALTH	41,971.07
AT&T LONG DISTANCE	159.41	RANGE TELECOMMUNICATIONS	207.15
AT&T MOBILITY	89.63	STANDARD INSURANCE CO	2,507.88
CHARLEVOIX AGENCY	462.56	VERIZON WIRELESS	56.72
CHARLEVOIX STATE BANK	15,640.17	VISION SERVICE PLAN	554.12
CHARTER COMMUNICATIONS	219.97	TOTAL	70,559.11
DELTA DENTAL	3,461.22		
GREAT LAKES ENERGY	257.29		
METLIFE SMALL BUSINESS CENTER	596.25		

Regular Accounts Payable – 07/02/2019

115 BRIDGE STREET LLC	6,287.50	KOURY, CHRIS	100.00
ABRAMOWSKI, DWAIN M.	75.00	KSS ENTERPRISES	318.36
ACUSHNET COMPANY	283.62	KURTZ, LUTHER	237.80
AIRGAS USA LLC	70.51	LAKE FOREST BAKING COMPANY	107.00
ALL-PHASE ELECTRIC SUPPLY CO.	148.70	LAVENDER, JOSEPH E.	50.00
ALTEC INDUSTRIES INC	221.53	LEELANAU COFFEE ROASTING CO INC	256.30
AMERICAN LEGAL PUBLISHING CORP	50.00	LIVINGSTON, BRIAN D.	50.00
AMERICAN WASTE INC.	246.76	LOTTIE'S BAGELS	99.00
ANDERSON, ELIZABETH A.	50.00	MAP-DYNAMICS, MOBILE TOWN GUIDE	750.00
ANZELL, BETH A.	50.00	MAYER, SHELLEY L.	50.00
AVFUEL CORPORATION	50,982.82	McGINN, KELLY A.	50.00
BAKER COLLEGE OF CADILLAC	13.50	MCMULLEN, DONALD R.	50.00
BERG, REBECCA	71.00	MICHIGAN RURAL WATER ASSN	20.00
BLAAUW-HARA, MARK EDWARD	200.00	MILLER, WILLIAM S.	50.00
BOUND TREE MEDICAL LLC	500.73	MMK CONSULTING	509.25
CDW GOVERNMENT INC.	229.88	MUNSON HEALTHCARE CHX HOSPITAL	525.68
CHARLEVOIX COMMUNITY SHOPPER	189.00	NEALIS ENGINEERING	2,250.00
CHARLEVOIX GLASS INC.	109.50	NORTHERN CREDIT BUREAU	212.93
CHARLEVOIX SCREEN MASTERS INC	1,605.00	NORTHWEST FIRE	100.00
CHARLEVOIX TOWNSHIP	15.12	OLESON'S FOOD STORES	184.90
CHARLEVOIX VENETIAN FESTIVAL	17,500.00	OLSON BZDOK & HOWARD	2,053.20
CHARTER COMMUNICATIONS	1,837.98	OTEC	2,325.00
CINTAS	90.00	P.K. CONTRACTING	2,523.45
CONWAY, ANNEMARIE	180.00	PARASTAR INC.	3,965.58
COOK FAMILY FARMS	65.00	PEASE, RIVER FAITH	60.00
CUMMINS BRIDGEWAY LLC	2,512.13	PETOSKEY NEWS-REVIEW	200.00
CWIK, ADOLPH	75.00	PHILLIPS, BILL	50.00
D & B HEAT TRANSFER PRODUCTS	2,200.00	PHYSICIAN'S CLINIC OF CHARLEVOIX	34.00
DELL MARKETING L P	1,216.49	PIGEON CREEK SHAKESPEARE CO	2,935.00
DeROSIA, PATRICIA E.	50.00	PLUNKETT & COONEY	1,871.66
DHASELEER, CARL	31.00	POWER LINE SUPPLY	1,306.40
DIVERSIFIED INSPECTIONS ITL INC	1,175.00	PRESTON FEATHER	2,825.93
DOAN, GERARD P.	50.00	PRO IMAGE DESIGN INC	4,347.20
DOTSON, LINDSEY J.	480.76	PRO WEB MARKETING LLC	20.00
EJ USA INC.	616.14	PRODUCTIVITY PLUS ACCOUNT	277.75
ELLIOTT, PATRICK M.	50.00	PROTEC	314.13
ELLSWORTH FARMER'S EXCHANGE	61.22	PURITY CYLINDER GASES INC	51.23
EMERGENCY MEDICAL PRODUCTS INC	292.55	Q1 SPORT	305.30
FAMILY FARM & HOME	2,177.87	QUICK CARE MEDICAL CENTER	30.00
FASTENAL COMPANY	1,745.45	QUILL CORP	159.95
FLAGPOLES ETC INC	98.00	REHMANN-ROBSON & CO	10,500.00
FOREMOST MEDICAL EQUIPMENT	2,563.20	S&W HEALTHCARE CORPORATION	110.41
FREDRICKSON SUPPLY	153.52	SANDWEISS/THAV CHARLEVOIX ACCT	705.00
GERBER HOMEMADE SWEETS	82.00	SHANAHAN, CHERYL J.	50.00
GOLDING, JOYCE M.	50.00	SHINDORF BUILDERS	1,507.50
GOLOVICH, RENEE	40.00	SILVA, JESSE L.A.	50.00
GOVERNMENTAL PRODUCTS INC.	387.53	SPARTAN STORES LLC	47.03
GRIFFIN BEVERAGE CO	88.00	SPRINGFIELD INC.	1,359.00
GUIREY, JOHN	277.86	STATE OF MICHIGAN	675.00
HANKINS, SCOTT A.	74.00	STRYKER SALES CORPORATION	19,542.87
HARBOR HOUSE PUBLISHERS	5,002.50	STUART C IRBY CO	3,962.75
HARRELL'S	475.50	SUNDOWN PRODUCTIONS LLC	1,500.00
HEADY, KATE	150.00	SWEM, DONALD L.	50.00
HERZOG ELECTRIC	200.00	SYN-TECH SYSTEMS INC.	33.75
HEYDLAUFF, MARK L.	61.46	TELE-RAD INC	506.30
HOLIDAY COMPANIES	9,261.86	TERMINAL SUPPLY CO	79.00
HYDE SERVICES LLC	105.30	THORP, ELIZABETH	75.00
INDEPENDENT DRAFTING SERVICES	1,064.00	THUNDER BAY TREE SERVICE LLC	12,734.25
JOHN E. GREEN COMPANY	3,623.29	TIMMS, ROBERT	200.00
KERR PUMP & SUPPLY	745.80	TOP LINE	532.31
KLOOSTER, ALIDA K.	50.00	TRAVERS, MANUEL J.	80.00
KLOOSTER, PATRICK H.	50.00	TRUCK & TRAILER SPECIALTIES	1,433.40
KNORR, KENT J.	50.00	UNITED STATES PLASTIC CORP.	131.11

USA BLUE BOOK	509.90	WURST, RANDALL W.	50.00
VILLAGE GRAPHICS INC.	46.75	WYMAN, MATTHEW A.	50.00
WITTHOEFT, CHARLES	175.00	ZIIBIMIJWANG INC	31.00
WORK & PLAY SHOP	216.89	TOTAL	207,031.80

ACH Payments – 06/17/2019 to 06/28/2019

MI PUBLIC POWER AGENCY	33,787.09	STATE OF MI (WITHHOLDING TAX)	6,971.55
MI PUBLIC POWER AGENCY	16,849.99	VANTAGEPOINT (401 ICMA PLAN)	802.64
MI PUBLIC POWER AGENCY	178,182.01	VANTAGEPOINT (457 ICMA PLAN)	19,219.86
MERS DEFINED BENEFIT PLAN	350,078.06	VANTAGEPOINT (ROTH IRA)	955.76
IRS (PAYROLL TAX DEPOSIT)	45,632.61	TOTAL	652,829.57
ALERUS FINANCIAL (HCSP)	350.00		

Payroll Net Pay – Pay Period Ending 06/22/2019 (Paid 06/28/2019)

HEYDLAUFF, MARK L.	2,557.16	CRANDELL, ZACKARY R.	645.92
GOLDING, JOYCE M.	1,836.29	FERGUSON, ROYCE L.	1,192.62
DEROSIA, PATRICIA E.	1,152.31	MUELLER, JASON C.	613.19
DOTSON, LINDSEY J.	1,388.96	ROSENTHAL, GABRIEL M.	957.97
KLOOSTER, ALIDA K.	1,735.88	NOVOTNY, RAIGAN I.	477.41
GOLOVICH, KAREN J.	996.81	KNORR, KENT J.	1,917.26
BARNEVELD, RICHELLE L.	1,195.26	ANZELL, BETH A.	1,149.26
SPENCLEY, PATRICIA L.	1,515.23	STEBE, LAURA A.	38.79
MCGINN, KELLY A.	2,045.01	MILAN, JANE E.	906.86
JONES, JANET M.	499.97	MCCULLOUGH, SAVHANA C.	388.04
LAVENDER, JOSEPH E.	1,693.06	CALO, LEAH M.	360.40
SCHULMAN, BLAKE B.	725.83	KLOOSTER, PATRICK H.	1,621.93
DOAN, GERARD P.	2,041.12	EVANS JR, HALBERT K.	686.93
SCHLAPPI, JAMES L.	1,217.83	GREENE, GLORIA C.	746.42
UMULIS, MATTHEW T.	1,356.77	DAVIS, LEAH R.	701.34
HANKINS, SCOTT A.	2,045.25	TELGENHOF, WILL G.	709.90
ORBAN, BARBARA K.	1,420.75	WHITE III, MARCUS W.	694.68
FLICKEMA, ANDREW M.	1,584.61	CARLSON, JOSHUA A.	610.96
RILEY, DENISE M.	477.53	GREYERBIEHL, KELLY M.	717.50
STEWART, SAMUEL D.	1,670.48	CAREY, MADISON Q.	626.18
MATELSKI, KRISTEN L.	1,329.54	CUNNINGHAM, ABIGAIL A.	373.79
BINGHAM, LARRY E.	974.69	CURTIS, LILY E.	400.84
VANLOO, MEAGAN E.	812.57	MAY, MEREDITH A.	409.80
MACGILLIVRAY, ROGER	540.73	PETROSKY, JACOB D.	373.29
FLOHE, STETHEN R.	999.08	WARRINER, RYAN T.	144.84
MUNK, CHRISTOPHER J.	1,043.46	CHAPDELAINE, EMILY C.	429.79
WURST, RANDALL W.	1,124.87	VRONDRAN, LARISSA M.	259.37
MAYER, SHELLEY L.	1,536.78	KIRINOVIC, THOMAS F.	397.35
HILLING, NICHOLAS A.	1,410.68	SNYDER, JOSHUAH D.	167.54
MEIER III, CHARLES A.	1,256.16	WISDOM, ADAM W.	182.53
ZACHARIAS, STEVEN B.	1,722.58	HART, DAVID R.	453.36
NEWMAN, MARK J.	1,064.39	SHANAHAN, CHERYL J.	943.45
SWEM, DONALD L.	1,965.62	GRUNCH, RONALD J.	143.37
EATON, BRAD A.	2,398.33	DAVIS, RONALD L.	206.90
WILSON, TIMOTHY J.	2,104.42	MASSON, DONALD J.	477.27
LAVOIE, RICHARD L.	1,774.73	KUSINA, DENNIS W.	247.12
STEVENS, BRANDON C.	2,583.93	LABLANCE, MAUREEN J.	278.50
DRAVES, MARTIN J.	1,854.96	LIVINGSTON, BRIAN D.	1,390.93
ANDERSON, ELIZABETH A.	1,210.74	STANLEY, MARK J.	23.90
KENWABIKISE, DAVID L.	1,081.25	WYMAN, MATTHEW A.	1,600.10
ELLIOTT, PATRICK M.	2,332.82	MILLER, WILLIAM S.	1,106.22
SCHWARTZFISHER, JOSEPH L.	1,316.11	DOUGLAS, MARK	977.68
BRADLEY, KELLY R.	1,400.11	PRIOR, ERIN C.	1,081.90
HART II, DELBERT W.	1,423.21	CERTA, BRIAN	733.44
JONES, ROBERT F.	1,548.28	SEAVER, WILLIAM F.	652.83
DORAN, JUSTIN J.	1,269.34	MCMULLEN, DONALD R.	1,772.93
FARRELL, MITCHELL L.	1,330.56	SILVA, JESSE L.A.	1,562.39
THORP JR, WILLIAM D.	1,364.74	WILLSON, BRENDA R.	1,491.56
LEITNER, RYAN S.	1,283.23	BEAN, PETER J.	1,062.30
MANKER SR, DAVID W.	738.73	STEVENS, JEFFREY W.	432.71
NEDWICK, DAVID J.	442.04	RILEY, CASEY W.	258.06
FREY, DYLAN V.	536.40	JONES, LARRY M.	690.84
HART III, DELBERT W.	663.09	FLORE, ROBERT A.	110.13
STOREY, JAMES W.	535.63	MATZ, EMILY S.	1,087.10
SLADEK, RYLYNN S.	300.38	STEPHENS, LYON G.	672.22
DOTSON, WILLIAM R.	296.02	TRAVERS, MANUEL J.	1,048.21
BOEHM, NOAH A.	601.50	MOYER, DAVID T.	137.00
LOUISELLE, ELLIE N.	440.17	RILEY, DANIEL A.	174.73
KUNKLE, KENNETH E.	660.37	WHEELER, MICHAEL W.	1,583.88
BEMIS, JACKSON R.	537.80	PEARSALL, KRISTA M.	120.70
MUMICH, BARRY J.	656.25	DRAKE, WILLIAM F.	2,178.57

JOHNSON, MELISSA A.	1,403.25	MORRISON, KEVIN P.	1,473.25
AZZOPARDI, ANTHONY J.	1,499.57	BISHAW, JAMES H.	743.41
DEKORNE, ELIZABETH A.	803.50	KISH, ANASTASIA L.	493.78
MCCRANEY, RUSSELL R.	29.74	KLINGER, BRADLEY W.	286.99
MATHERS, AMANDA L.	739.69	PETERSON, BENJAMIN D.	467.51
MATHERS, BENJAMIN H.	100.70	GILL, DAVID R.	1,047.84
PORTMAN, BROOKE A.	341.85	WATTS, TIMOTHY L.	333.46
WELLS, JANNINA J.	296.23		
GERBER, SAMUEL A.	33.25	TOTAL	132,925.89
WHITLEY, ANDREW T.	1,606.47		

Payroll Transmittal – 06/28/2019

4FRONT CREDIT UNION	926.84	CHEMICAL BANK	150.00
AMERICAN FAMILY LIFE	148.82	COMMUNICATION WORKERS OF AMER	603.73
AMERICAN FAMILY LIFE	525.04	MI STATE DISBURSEMENT UNIT	418.16
CHAR EM UNITED WAY	90.00	PRIORITY HEALTH	1,406.53
CHARLEVOIX STATE BANK	1,171.00	TOTAL	5,440.12