

**CITY OF CHARLEVOIX
CITY COUNCIL SPECIAL MEETING MINUTES
Monday, April 13, 2020 – 11:00 a.m.
Remote Participation**

The meeting was called to order at 11:00 a.m. by Mayor Kurtz.

1. Pledge of Allegiance

In order to be in compliance with Governor Whitmer's Executive Order 2020-21 which prohibits in-person work not necessary to sustain or protect life, this Special Meeting was held remotely in accordance with Executive Order No. 2020-15 which grants temporary authorization of remote participation in public meetings due to the COVID-19 pandemic.

2. Roll Call

Mayor: Luther Kurtz
Members Present: Greg Bryan, Shane Cole, Aaron Hagen, Janet Kalbfell, Tom Oleksy, Brian Slater
Members Absent: None
City Manager: Mark L. Heydlauff
City Clerk: Joyce Golding
City Attorney: Scott Howard

3. Inquiry Regarding Conflicts of Interest

4. Public Hearings and Actions Requiring Public Hearings

A. Conditional Rezone Request for 904 May Street

Clerk's Note: Pursuant to the City Charter, all Council members are required to be in attendance in order to vote on an ordinance. The public hearing was held on March 2, but Council was not in full attendance and it was agreed to re-address this item at a later meeting.

The Mayor opened the public hearing at 11:06 a.m. He gave a brief history of the timeline of events.

Zoning Administrator Scheel stated that this is a request for a Conditional Rezone of a large R-1 Single Family lot located at 904 May Street to R-4 Multi Family High Density. If approved, the project must meet all regulations of the R-4 zoning district. The City of Charlevoix Planning Commission has recommended approval. He noted that the conditions of the rezone consist of: the exterior of the existing building will not change get larger in footprint or height, the existing building will have new siding installed, there will be a maximum of three apartments in the existing building and, new landscaping to meet ordinance standards will be installed. He recalled that there has been an effort to develop a deed restriction program to encourage and promote year-round, permanent housing in our area. Housing North led by Sarah Lucas has negotiated the purchase of a deed restriction for this property that would require the three units created be restricted for year-round occupancy.

Ms. Lucas presented a brief overview of housing issues experienced in the area and answered several questions from Council. City Attorney Howard confirmed that Applicant Robert Jess added the deed restriction to the conditions of rezoning.

Four public comments were heard, three of which were in favor. The public hearing was closed at 11:31 a.m.

Motion by Kalbfell, second by Cole to approve Ordinance 816 of 2020 approving the conditional rezoning request for 904 May Street with the addition of the condition offered by the developer to participate in the Housing North Deed Restriction Program.

**CITY OF CHARLEVOIX
ORDINANCE NO. 816 of 2020**

AN ORDINANCE TO AMEND TITLE XV, CHAPTER 153, SECTIONS 153.055, OF THE CHARLEVOIX CITY CODE

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Title XV, Chapter 153, Section 153.055 (A) (1) (f) of the City of Charlevoix Code is hereby amended to include an R-4 Conditional Rezone as a District in the Zoning Use District Map as follows:

SECTION 2. Description of the amended Conditional Rezone District

The Zoning Use District Map is hereby amended to conditionally rezone the following described area from R-1 Single Family District to R-4 Multi Family District: In the City of Charlevoix, Charlevoix County, Michigan, Commencing at a concrete monument on the North line of Section 35, Town 34 North, Range 8 West, being the Southwest corner of the Plat of Meadowlane as recorded in Liber 2, Page 35 of Plats, Charlevoix County Records; thence along said North line North 89 51' 42" West, 9.88 feet (recorded as 10.00 feet) to the East line of May Street; thence along said East line South 0 23' 42" East 99.83 feet (recorded as 100.00 feet) to a ½" iron rod being the POINT OF BEGINNING; thence continuing along said East line South 0 23' 42" East 99.83 feet (recorded as 100.00 feet) to a ½" iron rod; thence South 89 54' 19" East, 122.36 feet to a ½" iron rod; thence North 0 07' 48" West, 99.77 feet to a ½" iron rod; thence North 89 52' 36" West, 122.82 feet to the Point of Beginning, being a part of Lots 39 and 41, J Milo Eaton's addition to Charlevoix as recorded in Liber 1, Pages 54 & 55 of Plats, Charlevoix

County Records and containing 0.281 acres (12,233.52 square feet) Subject to the rights of the public and of any governmental unit in any part thereof taken, used, or deeded for street, road, or highway purposes. Commonly known as 906 May Street.

SECTION 3. 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 4. Effective Date

This Ordinance shall become effective thirty (30) days after its enactment.

Ordinance No. 816 was adopted on the 13th day of April, 2020 A.D., by the Charlevoix City Council as follows:

Motion by: Kalbfell

Seconded by: Cole

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

Nays: None

Absent: None

State of Michigan } §
City of Charlevoix }

5. Reports & Communications

A. Public Comments

B. City Manager Comments

- Antibacterial fogging of vehicles and City Hall for virus prevention occurred over the weekend
- Yard waste collection on Tuesday but on a limited basis

C. Mayor & Council Comments

- Council agreed to move forward with regular meetings via Zoom
- Council thanked Mr. Jess and Ms. Lucas for their efforts

6. Adjourn

Mayor Kurtz adjourned the meeting at 11:42 p.m.

Joyce M. Golding

City Clerk

Luther Kurtz

Mayor