

City of Charlevoix
City Council Regular Meeting minutes
Monday, November 21, 2022 - 6:00 PM
Council Chambers, 210 State Street, Charlevoix, MI

1. Pledge of Allegiance

The meeting was called to order at 6:00 p.m. by Mayor Gennett. The Council, staff, and members of the public rose and recited the Pledge of Allegiance.

2. Roll Call

Mayor: Lyle Gennett

Members Present: Aaron Hagen, Janet Kalbfell, Mark Knapp, Phil Parr, Richard Spring

Members Absent: Shane Cole

City Manager: Mark L. Heydlauff

City Clerk: Sarah J. Dvoracek

3. Presentations

4. Inquiry Regarding Conflicts of Interest

5. Consent Agenda

Mayor Gennett opened the item for public comment. None were heard.

Motion by Parr, seconded by Kalbfell to approve the consent agenda as presented.

Yeas: Kalbfell, Hagen, Spring, Knapp, Parr

Nays: None

Absent: Cole

Motion carried.

A. City Council Meeting Minutes - November 7, 2022

Motion to approve the minutes as presented.

B. Accounts Payable and Payroll Check Registers

Motion to approve the accounts payable and payroll check registers as presented.

Dates	Description	Amount
11/10/2022	Payroll Transmittal Checks	\$5,931.83
11/10/2022	Payroll (net pay)	\$113,860.81
11/22/2022	Regular Accounts Payable	\$225,643.68
11/02/2022-11/10/2022	ACH/WIRE Payments	\$105,300.73
Grand Total		\$450,737.05
To view the entire accounts payable and payroll check registers, please Click here.		

C. Revised Job Description: Chief of Police

Motion to approve the revised job description for Chief of Police as presented.

D. Set Work Session for December 5, 2022

Motion to set a City Council Work Session for 4:30pm on December 5, 2022 in the Council Chambers of City Hall for the purpose of discussing the Electric Department and the Michigan Public Power Agency.

E. Selection of Walsh Municipal Services for Chief of Police Search: \$10,900

Motion to authorize the City Manager to engage the services of Walsh Municipal Services to lead the process of recruiting and selecting a new Chief of Police for a cost not to exceed \$10,900.

6. Public Hearings and Actions Requiring Public Hearings

A. Public Hearing: Deer Cull

Robert Scholey, Interim Chief of Police

Interim Chief of Police Scholey stated the department has received numerous complaints regarding deer being destructive to properties. Mr. Scholey gave a brief summary of his report to Council and stated that Ms. Swell from the DNR was unable to attend the meeting. Mr. Scholey answered questions from Council.

Mayor Gennett opened the public hearing at 6:06 p.m. Six were heard in favor and two were heard opposed. The public hearing was closed at 6:20 p.m.

Motion by Hagen, seconded by Parr to approve Resolution 2022-11-02 and direct the Interim Chief of Police to move forward with all necessary arrangements.

**CITY OF CHARLEVOIX
RESOLUTION NO. 2022-11-02
RESOLUTION AUTHORIZING DEER CULL**

WHEREAS, since 2019 the City of Charlevoix has received 65 deer population complaints, as well as follow-up inquiries regarding the City conducting a deer cull to reduce deer herds within the Charlevoix City limits where our complaints originated; and

WHEREAS, the Chief of Police has proposed that if a deer culling is to be conducted within the City of Charlevoix, it shall be conducted by the U.S. Department of Agriculture Wildlife Services and between 20 and 40 deer will be removed; and

WHEREAS, the U.S. Department of Agriculture Wildlife Services will draft a Cooperative Service Agreement, which will include a Work Plan and a Financial Plan, that would allow for 3 visits (one site visit prior to removal efforts and two visits to conduct the removal) not to exceed \$15,000; and

WHEREAS, if the deer cull is successful on the first day, there will be no need for a second day and the cost will be reduced, whereby the City will only be billed for the work required to harvest an acceptable number of deer; and

WHEREAS, harvested deer would be field dressed by Wildlife Services and turned over to the City for donation to charity.

NOW THEREFORE BE IT RESOLVED, the Chief of Police is hereby authorized to conduct a deer cull during nighttime hours in 2023, within the Charlevoix City limits; and

BE IT FURTHER RESOLVED, a contract be established between the City of Charlevoix and the U.S. Department of Agriculture Wildlife Services for actual expenses incurred and the Chief of Police is authorized to sign said contract.

RESOLVED this 21st day of November 2022 A.D.

Resolution was adopted by the following yea and nay vote:

Yeas: Kalbfell, Hagen, Spring, Knapp, Parr

Nays: None

Absent: Cole

Motion carried.

B. Public Hearing: Signs in Bridge Park (Ordinance 834)

Jennifer Neal, Community Planner

Community Planner Neal provided Council with the history of the signs on Bridge Park Drive and explained the proposed ordinance amendment language in detail. Mayor Gennett opened the public hearing at 6:30 p.m. Mayor Gennett opened the item for public comment. None were heard. The public hearing was closed at 6:35 p.m. Ms. Neal answered questions from Council. No action was taken due to Council Member Cole being absent.

C. Public Hearing: Building Type Combined Changes (Ordinance 835)

Jennifer Neal, Community Planner

Community Planner Neal stated the purposes behind the proposed zoning ordinance amendments. Ms. Neal stated the changes were reviewed by the City Attorney. Ms. Neal highlighted the major proposed changes in the ordinance. Mayor Gennett opened the public hearing at 6:35 p.m. Ms. Neal answered questions from Council. Council Member Kalbfell questioned the middle picture under (Section 153.117 (B)(4) Examples of ADUs) depicting the exterior staircase in the front of the house and suggested that a different picture be used. Mayor Gennett opened the item for public comment. None were heard. The public hearing closed at 6:50 p.m. No action was taken because Council Member Cole was absent.

7. All Other Actions and Requests

A. 2022 Master Plan Adoption

Jennifer Neal, Community Planner

Community Planner Neal stated that over a year ago the Planning Commission began the process of updating the Master Plan. The Commission has had many public input sessions and conducted public surveys. The law requires the Planning Commission to review the Master Plan every five years, if major changes occur within the community, then the plan should be updated to reflect the future. The Planning Commission has worked very hard at reviewing sections of the plan at every meeting. Ms. Neal answered questions from Council.

Mayor Gennett opened the item for public comment. None were heard.

Motion by Kalbfell, seconded by Spring to adopt Resolution 2022-11-01 and adopt the 2022 City of Charlevoix Master Plan as presented.

**CITY OF CHARLEVOIX
RESOLUTION NO. 2022-11-01**

RESOLUTION ADOPTING THE 2022 CITY OF CHARLEVOIX MASTER PLAN

WHEREAS, Resolution 2004-09-01 established that City Council reserved the authority to grant final approval to any proposed Master Plan; and

WHEREAS, the City of Charlevoix Planning Commission, under the provisions of MCL 125.3807 of PA 33 of 2008 of the State of Michigan may adopt a Master Plan; and

WHEREAS, MCL 125.38452 of PA 33 of 2008 requires the Planning Commission to review and, if necessary, revise or amend the Plan at least once every five years and the current *Waterfront Areas Management and City Master Plan* was adopted in 1982; and

WHEREAS, the City of Charlevoix Planning Commission recognized the need to revise and adopt a Master Plan, including establishment and support of visions, goals, actions, implementations, and the Future Land Use Plan as described within the document; and

WHEREAS, the Master Plan is a living document intended to be amended and updated with changing conditions and has been prepared for the purpose of guiding and accomplishing coordinated, adjusted, and harmonious development of the City of Charlevoix; and

WHEREAS, the Planning Commission forwarded copies of the Draft Master Plan to all neighboring townships and jurisdictions pursuant to the Michigan Planning Enabling Act (PA 33 of 2008), the Master Plan has been reviewed by all neighboring townships and jurisdictions, various businesses, local organizations and institutions, and all utilities operating within the City; and

WHEREAS, after the preparation of the Draft Master Plan, the Planning Commission gave notice of the time and place of Public Hearing by giving notice in a newspaper of general circulation in the City, on the City's website, and through regular mail; and

WHEREAS, the Planning Commission provided the Notice of Intent to Conduct Master Planning on February 18, 2021; and

WHEREAS, the Planning Commission finalized amendments to the Master Plan, and unanimously recommended approval the 2022 City of Charlevoix Master Plan on October 10, 2022.

NOW, THEREFORE, BE IT RESOLVED that the City of Charlevoix hereby adopts the 2022 City of Charlevoix Master Plan, pursuant to MCL 125.3843 of PA 33 of 2008.

RESOLVED this 21st day of November, 2022 A.D.

Resolution was adopted by the following yeas and nays vote:

Yeas: Kalbfell, Hagen, Spring, Knapp, Parr

Nays: None

Absent: Cole

Motion carried.

B. Spark Grant Submission

Mark Heydlauff, City Manager

City Manager Heydlauff explained the Spark Grant, the requirements and the proposed project.

Mayor Gennett opened the item for public comment. None were heard.

Motion by Spring, seconded by Kalbfell to authorize the City Manager to sign an agreement with Edgewater Resources to complete and submit the Spark Grant Application with the State of Michigan for a fee not to exceed \$8,700.

Yeas: Kalbfell, Hagen, Spring, Knapp, Parr

Nays: None

Absent: Cole

Motion carried.

Mayor Gennett opened the item for public comment. None were heard.

Motion by Spring, seconded by Parr to approve Resolution 2022-11-03 Lake Michigan Beach Upland Development 2nd Phase Spark Grant Application.

**CITY OF CHARLEVOIX
RESOLUTION NO. 2022-11-03**

LAKE MICHIGAN BEACH UPLAND DEVELOPMENT 2nd PHASE

WHEREAS, the City of Charlevoix previously supported the submission of an application titled "Michigan Beach Upland Renovation and Development" to the Recreation Passport Grant Program for development of site improvements at Michigan Beach Park; and

WHEREAS, the City of Charlevoix has been awarded a Recreation Passport Grant from the State of Michigan for this project; and

WHEREAS, the City of Charlevoix is committed to increased use and development of trails;

and

WHEREAS, the proposed project agreement is supported by the current annual Capital Improvement Plan; and

WHEREAS, the City of Charlevoix has previously made a financial commitment to the project in the amount of \$48,500 matching funds, in cash and/or force account; and

WHEREAS, the City of Charlevoix supports the submission of an application titled, “Lake Michigan Beach Upland Development 2nd Phase” to the Spark Grant program for accessible connection to the beach sidewalk and safer crosswalks to the planned trail.

NOW THEREFORE BE IT RESOLVED that the City of Charlevoix authorizes the submission of the Spark Grant for \$144,000.

RESOLVED this 21ST day of November, 2022 A.D.

Resolution was adopted by the following yea and nay vote:

Yeas: Kalbfell, Hagen, Spring, Knapp, Parr

Nays: None

Absent: Cole

Motion carried.

C. Organizational Meeting

Sarah Dvoracek, City Clerk

Mayor Gennett opened the item for public comment. None were heard.

Motion by Hagen, seconded by Kalbfell to set the 2023 City Council meetings for the first and third Mondays of the month at 6:00 p.m.

Yeas: Kalbfell, Hagen, Spring, Knapp, Parr

Nays: None

Absent: Cole

Motion carried.

Mayor Gennett opened the item for public comment. None were heard.

Motion by Parr, seconded by Kalbfell to appoint Aaron Hagen as Deputy Mayor.

Yeas: Kalbfell, Hagen, Spring, Knapp, Parr

Nays: None

Absent: Cole

Motion carried.

D. Council Appointment

Janet Kalbfell-1st Ward Council Member

Mayor Gennett opened the item for public comment. None were heard.

Motion by Kalbfell, seconded by Spring to appoint Gail Demeyere to the Historic District Commission for a term to expire on June 30, 2024.

Yeas: Kalbfell, Hagen, Spring, Knapp, Parr

Nays: None

Absent: Cole

Motion carried.

8. Reports and Communications

A. Public Comment

B. City Manager's Comments

- Thanked the Public Works Department for all their hard work transitioning between seasons
- Reminded everyone about the Christmas Tree Lighting and parade on Friday
- Congratulated Mayor Gennett and the First Lady

C. Mayor and Council Comments

- Council collectively thanked the Public Works Department for their hard work dealing with the winter storm

9. Other Council Business

A. Release a Communication from the City Attorney

City Manager Heydlauff stated the City Attorney recommended that Council release the communication to the public.

Mayor Gennett opened the item to the public. None were heard.

Motion by Parr, seconded by Knapp to authorize the release of communication from the City Attorney.

Yeas: Kalbfell, Hagen, Spring, Knapp, Parr

Nays: None

Absent: Cole

Motion carried.

10. Adjourn

Mayor Gennett adjourned the meeting at 7:08 p.m.

Sarah J. Dvoracek

City Clerk

Lyle Gennett

Mayor