

City of Charlevoix
City Council Regular Meeting minutes
Monday, January 2, 2023 - 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: Shane Cole, Aaron Hagen, Janet Kalbfell, Mark Knapp, Phil Parr, Richard Spring

Members Absent: None

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 Spring to approve the consent agenda as presented.

Yeas: Parr, Spring, Knapp, Cole, Kalbfell, Hagen

Nays: None

Motion carried.

A. City Council Meeting Minutes - December 19, 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
12/20/2022	Special Accounts Payable Run	\$66,943.33
12/22/2022	Payroll (net pay)	\$90,020.22
12/22/2022	Payroll Transmittal Checks	\$5,487.12
01/03/2023	Regular Accounts Payable	\$182,521.85
12/19/2022-12/26/2022	ACH/WIRE Payments	\$444,751.94
12/14/2022	Special A/P Tax Disbursement	\$357,783.95
Grand Total		\$1,147,508.41

To view the entire accounts payable and payroll check registers, [please Click here.](#)

C. 50 kVA Transformer Purchase: \$17,013.84

Motion to approve the purchase of three (3) 50 kVA pole mounted transformers from Power Line Supply, Reed City, Michigan in the amount of \$17,013.84 as presented.

6. Public Hearings and Actions Requiring Public Hearings

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

Mark Heydlauff, City Manager

City Manager Heydlauff stated Council held the required public hearing on November 21, 2022. The Planning Commission and City Attorney have both approved and reviewed the language.

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

Motion by Spring, seconded by Kalbfell to adopt Ordinance 834 of 2023.

***CITY OF CHARLEVOIX
Ordinance No. 834 of 2023***

AN ORDINANCE TO AMEND TITLE XV, LAND USAGE, SECTIONS 153.215 AND 153.219 OF THE CHARLEVOIX CITY CODE

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Title XV, Chapter 153, Section 153.215 CBD Zoning District of the City of Charlevoix Code is hereby amended by adding a section, to be numbered (C), which the section shall read as follows:

152.215 CBD ZONING DISTRICT.

(C) Commercial properties on Bridge Park Dr. that are located beneath Bridge Park are allowed to attach a sign less than or equal to two square feet in sign face area on the Bridge Park railing above the location of their business. A sign permit must be obtained, which must also be approved by the City Manager. The method of sign attachment must be included in the sign permit application. A sign permit approved under § 153.215(C) is valid only for the permit applicant and cannot be transferred to another entity.

SECTION 2. Title XV, Chapter 153, Section Table 153.219 Schedule of Regulations, CBD, Zoning District of the City of Charlevoix Code is hereby repealed and replaced, and shall read as follows:

Table 153.219: Schedule of Regulations by Zoning District					
Zoning District	Maximum Sign Face Area	Maximum Height	Maximum Number	Location	Permit Required?
Sign Type					
CBD ¹					
Temporary	Max 36 sf	Max 8 ft	1/public frontage	Min. setback 4 ft from ROW	No – if sign face area less than/equal to 16 sf
Wall	Max 30 sf	Max 8 ft	1/parcel	First floor of building	Yes
Portable	Max 6 sf	Max 4 ft	1/business		No
External Neon	Max 2 sf	Max 8 ft	1/business	n/a	No
Commercial flag	Max 15 sf	n/a	1/business	Shall not interfere with pedestrians	No
Awning, canopy, marquee	Max 16 sf	Max 8 ft	1/awning, canopy, marquee	Shall not be located in ROW	Yes
Ground	Max 16 sf	Max 16 ft	1/public frontage	Min. setback 4 ft from ROW	Yes
Projecting	Max 16 sf	Min 8 ft Max 12 ft	1/parcel	Shall not be located in ROW	Yes

¹ See § 153.215 (C) regarding commercial properties on Bridge Park Dr. located beneath Bridge Park.

SECTION 3. Title XV, Chapter 153, Section Table 153.219 Schedule of Regulations, Zoning District of the City of Charlevoix Code is hereby amended by adding a section labeled Industrial within the table and shall read as follows:

Table 153.219: Schedule of Regulations by Zoning District					
Zoning District	Maximum Sign Face Area	Maximum Height	Maximum Number	Location	Permit Required?
Sign Type					
(I) Industrial					
Temporary	Max 36 sf	Max 8 ft	1/public frontage	Min. setback 4 ft from ROW	No – if sign face area less than/equal to 16 sf
Temporary Banner	Max. 30 sf	Max 16 ft	n/a	Adjacent to City Golf Course. Shall not be located in ROW	Yes
Wall	Max 30 sf	Max 8 ft	1/parcel	First floor of building	Yes
Awning, canopy, marquee	Max 16 sf	Max 8 ft	1/awning, canopy, marquee	Shall not be located in ROW	Yes
Ground	Max 16 sf	Max 16 ft	1/public frontage	Min. setback 4 ft from ROW	Yes
Projecting	Max 16 sf	Min 8 ft Max 12 ft	1/parcel	Shall not be located in ROW	Yes

SECTION 4. 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 5. Effective Date.

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

Ordinance No. 834 was adopted on the 2nd day of January 2023 A.D., by the Charlevoix City Council as follows:

Yeas: Parr, Spring, Knapp, Cole, Kalbfell, Hagen

Nays: None

Motion carried.

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

Mark Heydlauff, City Manager

City Manager Heydlauff stated Council conducted the required public hearing on November 21, 2022. The Planning Commission and City Attorney have both approved and reviewed the language.

Council discussed the proposed ordinance amendment which included detailed conversations regarding short term rentals, long term rentals, principal resident exemptions and accessory dwelling units.

Mayor Gennett opened the item for public comment. Two were heard and opposed.

Motion by Kalbfell, seconded by Parr (to amend proposed Ordinance 835) by striking the last sentence in Section 153.117 (D) (3) and inserting (the following language) short-term rentals of ADUs shall be prohibited.

Section 153.117 (D) (3.)

At least one of the units on the parcel shall be occupied by a long-term renter or an owner with at least 50% interest in the subject property. The owner or renter shall occupy either the principal dwelling unit or the ADU as their permanent residence. An ADU shall not be sold independently of the primary dwelling on the parcel. Short-term rentals of ADUs shall ~~only be allowed in compliance with the standards and requirements of this Zoning Ordinance and the City of Charlevoix Code of Ordinances~~ shall be prohibited.

Yeas: Parr, Spring, Knapp, Cole, Kalbfell, Hagen

Nays: None

Motion carried.

Mayor Gennett opened the item for public comment. Two were heard.

Motion by Cole, seconded by Spring to adopt Ordinance 835 of 2023 as amended.

C. Public Hearing: Ordinance Amendment: Section 31.02- Designate City Manager as Purchasing Agent (Ordinance 836)

Mark Heydlauff, City Manager

City Manager Heydlauff stated that he tasked Clerk Dvoracek with revising the purchasing policy. However, the purchasing thresholds are governed by the City's Ordinance which has not been updated since 1994, hence the amendment. Historically, the City Manager has always been the purchasing agent, but the way the Ordinance is currently written, it states that two different people could be the agent. The proposed ordinance provides clearer, more concise language based on best and current practices. The Charter states that Council shall approve monetary thresholds by resolution and the proposed language allows Council to review and change threshold amounts from time to time.

Mayor Gennett opened the public hearing, none were heard, the public hearing was closed. Motion by Spring, seconded by Cole to approve Ordinance Amendment 836 amending Section 31.02 City Manager and Section 31.06 Purchasing Agent.

CITY OF CHARLEVOIX

Ordinance No. 836 of 2023

AN ORDINANCE TO AMEND TITLE III, CHAPTER 31, SECTIONS 31.02 AND 31.06 OF THE CHARLEVOIX CITY CODE

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Title III, Chapter 31, Section 31.02 City Manager of the City of Charlevoix Code is hereby amended by adding a section, to be numbered (C), which the section shall read as follows:

CITY MANAGER.

(C) The City Manager, or one or more subordinate employees he or she may designate, shall be charged with the efficient purchase of all items and services for the City. She or he shall also be charged with the disposal of surplus items. From time to time, the City Manager shall recommend policies, procedures, and monetary thresholds for purchases; Council will set these policies by resolution.

SECTION 2. Title III, Chapter 32, Section 31.06 Purchasing Agent is hereby repealed in its entirety as follows:

~~31.06 PURCHASING AGENT.~~

~~*(A) He or she shall be charged with the efficient purchase of all items for the city. He or she may name a subordinate to work under his or her supervision in carrying out the duties entailed.*~~

~~*(B) Competitive bids or quotations shall be obtained in purchases of goods over \$1,500 when deemed practical and contracts awarded to the lowest responsible bidder. Bids will be required of all purchases of goods over \$3,000, excepting in cases where the City Manager determines it is clearly to the city's advantage to waive this provision. All purchases of goods or services in excess of \$10,000 must be awarded by action of the City Council.*~~

~~*(C) There shall be sealed competitive bids for all contracts of \$20,000 or more. Competitive*~~

~~bidding at the discretion of the City Council may take place but is not required for contracts of \$20,000 or more for professional services, emergency repairs or emergency services. Competitive bidding is not required for contracts between governmental units.~~

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. 836 was adopted on the 2nd day of January 2023 A.D., by the Charlevoix City Council as follows:

Yeas: Parr, Spring, Knapp, Cole, Kalbfell, Hagen

Nays: None

Motion carried.

Clerk Dvoracek explained that the proposed purchasing policy presented was created by following guidance from the Michigan Department of Treasury. Several other communities' purchasing policies were also reviewed for consideration. The policy streamlines the purchasing process for City Staff.

City Manager Heydlauff also stated the revised policy also eliminated the cumbersome process of the local bidder preference, which will allow the Council to consider each bid and decide accordingly.

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

Motion by Parr, seconded by Hagen to approve Resolution 2023-01-01 adopting the Purchasing Policy as presented.

CITY OF CHARLEVOIX

RESOLUTION NO. 2023-01-01

RESOLUTION ADOPTING PURCHASE POLICY AND PROCEDURES

WHEREAS, per Section 7.17 of the City Charter, the Council shall prescribe by resolution a general framework of necessary procedures governing financial and contractual dealings with the City; and

WHEREAS, in 1994 the Charlevoix City Council amended the City Ordinance (Ord. 611) regarding the purchase of goods and services for the City including setting dollar amount thresholds; and

WHEREAS, specific changes to purchasing policy and procedures have been recommended to reflect increases in dollar values as a result of inflation, and other changing circumstances; and

WHEREAS, these recommended changes will facilitate the operation of the City's Treasury Department by streamlining various approval processes; and

WHEREAS, these recommended charges are consistent with the purchasing policies and procedures of other city governmental organizations within the State of Michigan and adhere to the best practices as prescribed by the Michigan Department of Treasury; and

NOW THEREFORE BE IT RESOLVED that the City of Charlevoix City Council hereby approves the Purchasing Policy as presented.

RESOLVED this 2nd day of January 2023 A.D.

Resolution was adopted by the following yeas and nays vote:

Yeas: Parr, Spring, Knapp, Cole, Kalbfell, Hagen

Nays: None

Motion carried.

7. All Other Actions and Requests

8. Reports and Communications

A. Public Comment

Shirley Gibson stated she wanted to publicly thank Officer Matt Umulis for his efforts in enforcing our outdoor storage ordinance, he did a great job!

B. City Manager's Comments

- Thanked City Staff for their hard work handling the Christmas blizzard and working the holidays
- DPW staff had to assist the Airport staff and plow out the Airport's snow removal equipment

C. Mayor and Council Comments

- Council collectively thanked the City workers for managing the blizzard

9. Other Council Business

10. Adjourn

Mayor Gennett adjourned the meeting at 7:07 p.m.

Sarah J. Dvoracek

City Clerk

Lyle Gennett

Mayor