

City of Charlevoix
City Council Regular Meeting Minutes
Monday, August 7, 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

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

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

Nays: None

Absent: None

Motion carried.

A. City Council Meeting Minutes - July 17, 2023

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
07/21/2023	Special Accounts Payable Run	\$84,888.00
07/21/2023	Payroll (net pay)	\$141,678.78
07/21/2023	Payroll Transmittal Checks	\$5,371.10
08/04/2023	Payroll (net pay)	\$149,686.37
08/04/2023	Payroll Transmittal Checks	\$5,572.10
08/08/2023	Regular Accounts Payable	\$1,282,423.41
07/17/2023-08/04/2023	ACH/WIRE Payments	\$571,896.34
07/17/2023	Special A/P Tax Disbursement	\$883,257.92

07/27/2023	Special A/P Tax Disbursement	\$863,905.86
Grand Total		\$3,988,679.88
To view the entire accounts payable and payroll check registers, please Click here.		

- C. Compensation Commission Report
Motion to accept the Compensation Commission's recommendation.
- D. Resolution to Adopt the Annual Exemption Option in PA 152 for the 2023-24 Medical Benefit Plan Coverage Year
Motion by Parr, seconded by Spring to approve Resolution 2023-08-01 adopting the annual exemption option as set forth in PA 152 for the City's medical benefit plan coverage year October 1, 2023 through September 31, 2024.

CITY OF CHARLEVOIX

RESOLUTION NO. 2023-08-01

RESOLUTION TO ADOPT THE ANNUAL EXEMPTION OPTION AS SET FORTH IN 2011 PUBLIC ACT 152, THE PUBLICLY FUNDED HEALTH INSURANCE CONTRIBUTION ACT

WHEREAS, 2011 Public Act 152 (the "Act") was passed by the State Legislature and signed by the Governor on September 24, 2011; and

WHEREAS, the Act contains three options for complying with the requirements of the Act; and

WHEREAS, the three options are as follows:

1. Section 3 - "Hard Caps" Option - limits a public employer's total annual health care costs for employees based on coverage levels, as defined in the Act;
2. Section 4 - "80%/20%" Option - limits a public employer's share of total annual health care costs to not more than 80%. This option requires an annual majority vote of the governing body;
3. Section 8 - "Exemption" Option - a local unit of government, as defined in the Act, may exempt itself from the requirements of the Act by an annual 2/3 vote of the governing body; and

WHEREAS, the City Council has decided to adopt the annual Exemption option as its choice of compliance under the Act.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Charlevoix elects to comply with the requirements of 2011 Public Act 152, the Publicly Funded Health Insurance Contribution Act, by adopting the annual Exemption option for the medical benefit plan coverage year October 1, 2023 through October 31, 2024.

RESOLVED this 7th day of August, 2023 A.D.

Resolution was adopted by the following yea and nay vote:
Yeas: Knapp, Cole, Spring, Hagen, Parr, Kalbfell

Nays: None

Absent: None

Motion carried.

- E. Request for use of Odmark Pavilion on August 13, 2023

Motion to approve use of Odmark Pavilion for a concert on 08/13/23.

- F. 2023/24 Road Salt Purchase for \$18,377.50

Motion to approve the 2023-24 road salt purchase in the amount of \$18,377.50 (from the State of Michigan's MiDeal program).

- G. Landscape Planting Contract with Site Planning Development, Inc. for \$19,120.00

Motion to accept the proposal as submitted by Site Plan Development for \$19,120 and authorize the City Manager to sign all required documents.

6. Public Hearings and Actions Requiring Public Hearings

- A. Citizen-Initiated Ordinance to Enhance and Preserve Ferry Beach

Mark Heydlauff, City Manager

Mayor Gennett opened the public hearing at 6:03 p.m.; nine were heard. Mayor Gennett closed the public hearing at 6:19 p.m.

Motion by Kalbfell, seconded by Knapp to decline to adopt the Citizen-Initiated Ordinance to Enhance and Preserve Ferry Beach and place question on {the November} ballot.

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

Nays: None

Absent: None

Motion carried.

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

Motion by Spring, seconded by Hagen to approve Resolution 2023-08-05 Use of 229 Stover Road as a Park Ballot Language.

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

Nays: None

Absent: None

Motion carried.

7. All Other Actions and Requests

- A. Ballot Question for Citizen-initiated Ordinance to Use of 229 Stover Road for Housing

Mark Heydlauff, City Manager

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

Motion by Spring, seconded by Kalbfell to approve Resolution No. 2023-08-03 Use of 229 Stover Road for Housing Ballot Language.

CITY OF CHARLEVOIX

RESOLUTION NO. 2023-08-03

USE OF 229 STOVER ROAD FOR HOUSING BALLOT LANGUAGE

WHEREAS, ballot petitions have been submitted to the City of Charlevoix with sufficient signatures and in compliance with Article VI of the City Charter to request approval by voters of an Ordinance regulating the use of the property located at 229 Stover Road, Charlevoix, MI 49720; and

WHEREAS, the stated purpose of the Ordinance is as follows” A December 2021 joint working session of the Planning Commission and City Council found the City of Charlevoix’s housing supply is not adequate to meet the housing needs for year-round residents at all income levels. Meanwhile, the City owns vacant property suitable for development for housing. The City intends to use the property for the purpose of providing year-round housing by either (i) selling the property to a Developer who intends to develop year-round housing on the property, or (ii) selling the property to any third-party and using the proceeds thereof to promote the development of year-round housing within the City”; and

WHEREAS, state law requires that the ballot language be phrased as a question and be no more than 100 words in length; and

WHEREAS, the City Council is required to provide ballot language for the proposed amendment consistent with state law through adoption by resolution; and

WHEREAS, the City Attorney has crafted ballot language that is consistent with the language on the petition initiative but is also consistent with the requirements of state law.

NOW THEREFORE BE IT RESOLVED, that the City of Charlevoix City Council hereby adopts the following ballot language for the potential adoption of a City Ordinance designating the property at 229 Stover for year round housing and directs the Clerk to take appropriate action to put the question on the ballot for the November 2016 general election:

Shall the City of Charlevoix adopt an ordinance that provides for the use of City-owned vacant property at 229 Stover Road for the purpose of providing year-round housing within the City by (i) soliciting offers to purchase the property by a Developer who intends and commits to develop year-round housing on the property, or (ii) using the property in any way that substantially benefits year-round housing within the City?

RESOLVED this 7th day of August 2023 A.D.

Resolution was adopted by the following yea and nay vote:

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

Nays: None

Absent: None

Motion carried.

B. Purchase of Foreclosed Parcel on Antrim Street (052-270-001-50)

Mark Heydlauff, City Manager

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

Motion by Kalbfell, seconded by Hagen to authorize the City Treasurer to acquire the tax

foreclosed parcel 052-270-001-50 for the total of \$1,041.97 and authorize the Mayor and City Clerk to execute all necessary documents.

CITY OF CHARLEVOIX

RESOLUTION NO. 2023-08-02

AUTHORIZATION TO PURCHASE FORECLOSED PROPERTY

WHEREAS, the City of Charlevoix hereby notifies the Charlevoix County Treasurer of their intent to purchase foreclosed property commonly known as parcel number 052-270-001-50 and legal description of DDA 1984 R2 W 30 FT OF LOT 1 OF UPRIGHT & HURLBUTS ADDITION ALSO NLY 20 FT OF VACATED NEWMAN ST ABUTTING SD LOT RECD L296 P301; and

WHEREAS, the City of Charlevoix wishes to exercise its First Right of Refusal as stated in Public Act 123, as amended; and

WHEREAS, the City of Charlevoix agrees to the purchase price of \$1,006.64, which the amount is the minimum bid as defined in MCL 211.78m(1) as well as a \$35.33 recovery and deed recording fee totaling \$1,041.97; and

WHEREAS, the City of Charlevoix agrees to indemnify, defend, save and hold harmless Charlevoix County and Betty Simon, individually and/or as Charlevoix County Treasurer and/or as Foreclosing Governmental Unit, from any and all claims, liabilities, damages, losses, suits, fines, penalties, demands and expenses, including costs of suit and attorney fees, which Charlevoix County and/or Betty Simon, individually and/or as Charlevoix County Treasurer and/or as Foreclosing Governmental Unit incurred because of or related to the election of the City of Charlevoix to purchase the property above described.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Charlevoix authorizes the City Mayor and City Clerk to sign the Notice to Charlevoix County Treasurer, Betty Simon, the Foreclosing Government Unit, of Election to Purchase Foreclosed Property.

RESOLVED this 7th day of August 2023 A.D.

Resolution was adopted by the following yea and nay vote:

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

Nays: None

Absent: None

Motion carried.

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

Motion by Parr, seconded by Kalbfell to authorize the City Manager to request the transfer of parcel 052-270-002-00 from the County of Charlevoix to the City of Charlevoix to effectuate mutual goals of housing development and support.

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

Nays: None

Absent: None

Motion carried.

C. Petition from Charlevoix County for Annexation

Mark Heydlauff, City Manager

Mayor Gennett opened the item for public comment, three were heard.

Motion by Spring, seconded by Kalbfell to approve Resolution 2023-08-04 to annex from the Township of Charlevoix a portion of land currently owned by the County of Charlevoix and authorize the Mayor and City Clerk to sign all necessary documents.

CITY OF CHARLEVOIX

RESOLUTION NO. 2023-08-04

ANNEXATION AND REVERSION OF COUNTY OWNED PARCEL

WHEREAS, the parcel owned by Charlevoix County, formerly identified as 004-023-014-00, has been split into two parcels with the intent to annex one parcel into the jurisdiction of the City of Charlevoix while retaining one parcel within the jurisdiction of Charlevoix Township; and

WHEREAS, Charlevoix County has requested that the single parcel, now legally described as:

In the Township of Charlevoix, Charlevoix County, Michigan, Commencing at the East 1/4 corner of Section 23, Township 34 North, Range 08 West; thence North 89°26'22" West 1519.29 feet along the East and West 1/4 line of said Section 23 and the centerline of Division Street to the POINT OF BEGINNING; thence continuing along said 1/4 line and centerline North 89°26'22" West 460.49 feet to the East line of the plat of Homeland Subdivision as monumented; thence along said monumented subdivision line North 0°13'31" East 832.03 feet (recorded as North 0°31' West); thence South 89°45'39" East 460.68 feet; thence South 0°14'19" West 834.61 feet to the POINT OF BEGINNING; being a part of the Southwest 1/4 of the Northeast 1/4 of Section 23, Township 34 North, Range 8 West and containing 8.811 acres. 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.

Subject to a 16 foot wide easement for ingress and egress described as Commencing at the East 1/4 corner of Section 23, Township 34 North, Range 08 West; thence North 89°26'22" West 1979.78 feet along the East and West 1/4 line of said Section 23 and the centerline of Division Street to the East line of the plat of Homeland Subdivision as monumented and the POINT OF BEGINNING; thence along said monumented subdivision line North 0°13'31" East 832.03 feet (recorded as North 0°31' West); thence South 89°45'39" East 16.00 feet; thence South 0°13'31" West 832.12 feet to said 1/4 line and centerline; thence North 89°26'22" West 16.00 feet to the POINT OF BEGINNING,

be annexed into the City of Charlevoix; and

WHEREAS, the single parcel, now legally described as:

In the Township of Charlevoix, Charlevoix County, Michigan, Commencing at the East 1/4 corner of Section 23, Township 34 North, Range 08 West; thence North 89°26'22" West 1979.78 feet along the East and West 1/4 line of said Section 23 and the centerline of Division Street to the East line of the plat of Homeland Subdivision as monumented; thence along said monumented subdivision line North 0°13'31" East 832.03 feet (recorded as North 0°31' West) to the POINT OF BEGINNING; thence continuing along said monumented subdivision line North

0°13'31" East 488.69 feet to the South line of Beechwoods Subdivision and the North 1/8 line of said Section 23 as monumented; thence along said monumented subdivision and 1/8 line South 89°05'38" East 662.94 feet to the East 1/8 line of said Section 23 as monumented; thence along said monumented East 1/8 line South 0°26'04" West 1032.30 feet; thence North 89°26'22" West 198.58 feet (recorded as 198 feet); thence North 0°14'19" East 550.20 feet; thence North 89°45'39" West 460.68 feet to the POINT OF BEGINNING; being a part of the Southwest 1/4 of the Northeast 1/4 of Section 23, Township 34 North, Range 8 West and containing 9.891 acres. 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.

Together with a 16 foot wide easement for ingress and egress described as Commencing at the East 1/4 corner of Section 23, Township 34 North, Range 08 West; thence North 89°26'22" West 1979.78 feet along the East and West 1/4 line of said Section 23 and the centerline of Division Street to the East line of the plat of Homeland Subdivision as monumented and the POINT OF BEGINNING; thence along said monumented subdivision line North 0°13'31" East 832.03 feet (recorded as North 0°31' West); thence South 89°45'39" East 16.00 feet; thence South 0°13'31" West 832.12 feet to said 1/4 line and centerline; thence North 89°26'22" West 16.00 feet to the POINT OF BEGINNING

will remain within the jurisdiction of Charlevoix Township; and

WHEREAS, Charlevoix County shall record a "Reversion of Annexation" which will return jurisdiction of the above described annexation parcel back to Charlevoix Township pursuant to events and terms identified therein; and

NOW THEREFORE BE IT RESOLVED that the City of Charlevoix agrees to accept annexation of the requested parcel (with associated Reversion of Annexation) into its jurisdiction with approval by resolution of the Township of Charlevoix.

RESOLVED this 7th day of August 2023 A.D.

Resolution was adopted by the following yea and nay vote:

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

Nays: None

Absent: None

Motion carried.

D. Mayoral Appointments

Mayor Lyle Gennett

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

Motion by Parr, seconded by Kalbfell to appoint Nedina Stark to the Charlevoix Housing Commission for a term to expire April 2026.

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

Nays: None

Absent: None

Motion carried.

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

Motion by Cole, seconded by Hagen to appoint Janet Coltman to the Planning Commission for a term to expire April 2026.

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

Nays: None

Absent: None

Motion carried.

8. Reports and Communications

A. Public Comment

B. City Manager's Comments

- Attended Rural Leadership Submit in Gaylord
- Acknowledged Police Officer Barb Orban for her great work in a recent incident
- Acknowledged our Water and Waste Water Treatment Plant employees for their dedication in working long hours by keeping up with supply and demand

C. Mayor and Council Comments

9. Other Council Business

10. Adjourn

Mayor Gennett adjourned the meeting at 6:34 p.m.

Sarah J. Dvoracek

City Clerk

Lyle Gennett

Mayor