

City of Charlevoix
City Council Regular Meeting Minutes
Monday, October 16, 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

A. Short Term Rental Program Report

Jonathan Scheel, Zoning Administrator

Jonathan Scheel, Zoning Administrator, provided an update on the short-term rental program. Mr. Scheel answered questions from Council.

Motion by Kalbfell, seconded by Spring to schedule a work session to discuss the short-term rental program in more detail at a future date.

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

Nays: None

Absent: None

Motion carried.

4. Inquiry Regarding Conflicts of Interest

Council Member Spring stated his residence is included in item 6C. Ordinance 843- Rezoning of Parcels, Council concurred that there is no conflict of interest.

5. Consent Agenda

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

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

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

Nays: None

Absent: None

Motion carried.

A. City Council Meeting Minutes - September 27, 2023 & October 2, 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
10/04/2023	Special Accounts Payable Run	\$2,421.90
10/13/2023	Payroll (net pay)	\$119,828.22
10/13/2023	Payroll Transmittal Checks	\$5,997.87
10/17/2023	Regular Accounts Payable	\$496,623.91
09/29/2023-10/13/2023	ACH/WIRE Payments	\$135,833.92
10/13/2023	Special A/P Tax Disbursement	\$95,886.34
Grand Total		\$856,592.16
To view the entire accounts payable and payroll check registers, please click here.		

C. Traverse City Dance Project Performance

Motion to approve the use of Odmark Pavilion on 07/31/2024 for the Traverse City Dance Project performance.

D. General Liability & Property Insurance 2023-24 Renewal

Motion to approve the renewal of the City's general liability and property insurance policy and Cyber liability insurance with the Michigan Township Participating Plan for \$144,132.00 for one year (November 1, 2023 - October 31, 2024).

6. Public Hearings and Actions Requiring Public Hearings

A. Public Hearing for Ordinance 841: Work in Environmental Impaired Areas

Mark Heydlauff, City Manager

City Manager Heydlauff stated this ordinance amendment was a request from the Environmental Protection Agency. Mr. Heydlauff answered questions from Council.

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

CITY OF CHARLEVOIX

Ordinance No. 841 of 2023

AN ORDINANCE TO AMEND AND ADD SECTION WORK IN ENVIRONMENTALLY IMPAIRED AREA TO THE CHARLEVOIX CITY CODE

THE CITY OF CHARLEVOIX ORDAINS: The City of Charlevoix Code is hereby amended by adding a section, to be titled Work in Environmentally Impaired Area which shall read as follows:

SECTION 1. § ____ DEFINITIONS.

For the purpose of this subchapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

CITY. The City of Charlevoix.

IMPACT AREA. The property located within the city and described as follows

Impact Area also includes the following road right of ways:

- The intersection of Newman Street and Grant Street and adjacent roadways
- A portion of Hamilton Place
- Portions of West Lincoln Avenue
- Portions of West Garfield Avenue
- A Portion of Mcleod Place from its intersection with West Garfield Avenue to beyond its intersection with West Lincoln Avenue

(1) In the City of Charlevoix, Charlevoix County, Michigan:

Table 1 Properties Requiring ICs Requiring Notification and Mitigation for Intrusive Activities	
Parcel ID	Address
Area A	
052-270-253-50	201 Garfield Avenue W
052-270-251-00	203 Garfield Avenue W
052-270-250-00	205 Garfield Avenue W
052-270-249-00	207 Garfield Avenue W
052-270-248-00	209 Garfield Avenue W
052-270-247-00	211 Garfield Avenue W
052-270-246-00	213 Garfield Avenue W
052-270-198-00	200 Lincoln Avenue W
052-270-199-00	204 Lincoln Avenue W
052-270-192-00	205 Lincoln Avenue W
052-270-191-00	207 Lincoln Avenue W
052-270-200-00	208 Lincoln Avenue W
052-270-190-00	209 Lincoln Avenue W
052-270-201-00	210 Lincoln Avenue W
052-270-202-00	214 Lincoln Avenue W
052-270-253-00	707 State Street
052-227-026-10	801 State Street
Area B	
052-362-006-10	100 Hurlbut Avenue W
052-362-005-00	102 Hurlbut Avenue W
052-362-006-00	701 Bridge Street
052-362-007-00	703 Bridge Street
Area C	
052-270-013-00	228 Antrim Street
052-270-013-50	230 Antrim Street
052-270-014-50	302 Antrim Street
052-270-014-00	401 Grant Street
052-290-000-00	305 Hurlbut Avenue W
052-270-070-50	230 Newman Street

EGLE. The Michigan Department of Energy, Great Lakes and the Environment, or its successor agency.

USEPA. The United States Environmental Protection Agency.

OSHA Occupational Safety and Health Administration.

§ ____ ECAVATION OF SOILS PROHIBITED; EXCEPTIONS.

No person, firm, association, corporation or any other entity shall excavate or engage in intrusive activities within the impact area, unless they first contact the USEPA prior to undertaking intrusive activities anywhere within the identified impacted area and ensure the mitigation of risks to construction workers (including municipal employees) with appropriate measures as required by OSHA.

§ ____ WORK WITHIN ROAD RIGHT OF WAY.

No person, firm, association, corporation or any other entity shall excavate or engage in intrusive activities within the road right of ways within the impact area, unless they first contact the USEPA prior to undertaking intrusive activities anywhere within the identified impacted area and ensure the mitigation of risks to construction workers (including municipal employees) with appropriate measures as required by OSHA.

§ ____ ISSUANCE OF PERMITS WITHIN IN THE IMPACT AREA.

The City will proof of compliance with this chapter before issuing any construction or building permits within the impacted area.

§ ____ NOTIFICATION TO USEPA AND EGLE.

If the city ever intends to amend or repeal this chapter, it shall notify the USEPA and EGLE, or their successors, of its intentions no less than 30 days before such amendment or repeal is enacted.

§ ____ NUISANCE PER SE.

A violation of this subchapter is hereby declared to be a public nuisance or nuisance per se and is declared to be offensive to the public health, safety and welfare.

§ ____ COURT ACTION FOR ABATEMENT OF NUISANCES.

The city may take civil action requesting injunctive relief against any person, firm, association, corporation or other entity found to be in violation of this subchapter. This abatement action shall be in addition to any penalty imposed by § 52.99(C) of this chapter.

§ ____ PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person violating § 52.11 of this chapter shall, upon conviction thereof, be punished as prescribed in § 10.99 of this code of ordinances.

(C) Any person, firm, association, corporation or other entity who violates any provision of §§ 52.25 through 52.31 of this chapter shall be responsible for a municipal civil infraction, as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being M.C.L.A. §§ 600.101 through 600.9939, and shall be subject to a fine of not more than \$100. Each day §§ 52.25 through 52.31 of this chapter is violated shall be considered as a separate violation. Any action taken under this division (C) shall not prevent civil proceedings for abatement or termination of the prohibited activity permitted under § 52.31 of this chapter.

SECTION 2. 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 3. Effective Date.

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

Ordinance No. 841 was adopted on the 16th day of October 2023 A.D., by the Charlevoix City Council as follows:

Motion by Hagen, seconded by Kalbfell to approve the proposed ordinance amendment to add the section Working in Environmental Impaired Areas Ordinance to the City Code.

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

Nays: None

Absent: None

Motion carried.

B. Public Hearing: Ordinance 842- Zoning Ordinance Amendments-Housing Related

Jonathan Scheel, Zoning Administrator

Zoning Administrator Scheel provided Council with a detailed description of the Planning Commission's six-month process on the proposed zoning ordinance amendments. The proposed amendments were reviewed by the City Attorney. Mr. Scheel answered from Council. After discussion, Council concurred they needed more time to review the changes and wanted to wait until the Planning Commission made some other recommendations. No action was taken.

C. Public Hearing: Ordinance 843- Rezoning Parcels

Jonathan Scheel, Zoning Administrator

Zoning Administrator Scheel explained the Planning Commission's process for the rezoning of the proposed parcels, which included a public hearing, publications, subcommittee meetings, and mailing of notices. Mr. Scheel answered questions from Council.

Mayor Gennett opened the item for public comment. One was heard.

CITY OF CHARLEVOIX

ORDINANCE NO. 843 of 2023

AN ORDINANCE TO AMEND TITLE XV: LAND USAGE; SECTION 153.055; THE OFFICIAL ZONING MAP OF THE CITY OF CHARLEVOIX

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Title XV, Chapter 153, Section 153.055 (B) of the City of Charlevoix Code is hereby amended to change the following parcels zoning districts as follows:

SECTION 2. Description of the amended rezone districts:

Rezone the following parcels, full described from R-1 Single Family District to R-2 Single Family District: in the City of Charlevoix, Charlevoix County, Michigan,

1. **510 W. Garfield Ave.** 52-227-001-25: COM AT S1/4 COR SEC 27 T34N R8W TH AL N & S1/4 LI SD SEC N00DEG56'18"E 1155.34 FT TO NWLY COR ROBERT & BARBARA TIMMS PROP DESC L242 P475 CX CO R/D FOR POB TH CONTAL SD 1/4 LI N00DEG56'18"E 147.12FT TO SLI GARFIELD AVE TH A S LI GARFIELD AVE S89DEG41'39"E 148FT TH S00DEG56'18"W 147.16FT TO NLY LI SD TIMMS PROP TH AL SD LI N89DEG40'45"W 148FT TO POB BEING PT SW1/4 OF SE1/4 SEC 27 T34N R8W 95SP1094 FROM 227-001-100
2. **508 W. Garfield Ave.** 052-227-001-20: COM AT S1/4 COR SEC 27 T34N R8W TH AL N&S1/4 LI SD SEC N00DEG56'18"E 1155.34FT TO NWLY COR ROBERT & BARBARA TIMMS PROP DESC L242 P475 CX CO R/D TH CONT AL SD 1/4 LI N00DEG56'18"E 147.12FT TO S LI GARFIELD AVE SD PT BEING S00DEG56'18"W 16.5FT OF INTER S1/8 LI WI N&S1/4 LI SD SEC TH AL S LI SD AVE S89DEG41'39"E 148 FT FOR POB TH CONT S89DEG41'39"E 74FT THS00DEG04'11"E 138.69FT TO NLY LI SD TIMMS PROP TH AL SD PROP LI N85DEG11'48"W 47.16FT TH CONTAL SD LI S00DEG41'09"W 12.17FT(RECD AS 11.80FT) TH CONT AL SD LI N89DEG40'45"W 29.43FT TH N00DEG56'18" E 147.16FT TO POB BEING PT OF SW1/4 OF SE1/4 SEC 27 T34N R8W 95SP1094 FROM 227-001-10
3. **601 Sheridan St.** 052-227-001-15: COM AT S 1/4 COR SEC 27 T34N R8W TH AL N&S 1/4 LI SD SEC N00DEG56'18"E 1302.46 FT TO S LI GARFIELD AVE SD PT BEING S00 DEG56'18"W 16.5FT OF INTER OF S 1/8 LI WI N&S 1/4 LI SD SEC TH AL S LI SD AVE S88DEG41'39"E 222FT BEING POB TH CONT AL SD LI S89DEG41'39"E 161.16FT TO NWLY LI NORWOOD RD TH AL SD RD LI S20DEG14'23"W 156.47FT TO NELY COR OF ROBERT & BARBARATIMMS PROP DESC IN L242 P475 CHX CO REC TH AL NLY LI OF SD TIMMS PROP N85DEG11' 48"W 107.23FT TH N00DEG04'11"W 138.69FT TO POB BEING PART OF SW 1/4 OF SE 1/4 SEC 27 T34N R8W PARCEL A 90SP 1189 FROM 227-001-00
4. **602 Sheridan St.** 052-227-009-00: BEG AT PT ON ELY LI OF STATE RD 2 RDS S OF INTERSECTION OF E&W1/8 LI OF SEC 27 T34N R8W WI ELY LI OF STATE RD TH E 84.5FT TH S 120 FT TH W TO ELY LI OF STATE RD TH NELY AL ELY LI OF STATE RD TO POB
5. **603 Sheridan St.** 052-227-002-00: BEG ON THE N&S 1/4 LI SEC 27 T34N R8W 163.5 FT S OF THE S 1/8 LI SD SEC TH E PARA WITH SD S 1/8 LI 177.13 FT TH N PARA WITH SD N&S 1/4 LI 11.8 FT TH SE'LY 154.1 FT TO NW'LY LI OF NORWOOD RD TO A PTE WHICH IS PARA WITH SD S 1/8 LI AND PASSES THRU THE POB TH SW'LY AL SD NW'LY LI OF SD RD 90.28 FT TH NW'LY AT AN ANG OF 81DEG10'53" TO THE RIGHT FROM LAST DESC CRSE 85.40 FT TH SW'LY AT AN ANG OF 13DEG08'06" TO THE LEFT FROM LAST DESC CRSE 217.05 FT TO SD N&S 1/4 LI TH N AL SD 1/4 LI 75FT TO POB BEING PT OF SW 1/4 OF SE 1/4 SEC 27 T34N R8W PREVIOUSLY DESCRIBED AS: BEG ON N&S1/4 LI SEC 27 T34N R8W 163.5FTS OF S1/8 LI SD SEC TH E PARA WI S1/8 LI 177.13 FT TH N PARA WI SD N&S1/4 LI 11.8FT TH SELY 154.1 FT TO NWLY LI NORWOOD RD SD ST BEING ON LI WHICH IS PARA WI SDS1/8 LI & WHICH PASSES THRU POB TH SWLY AL NWLY LI SD RD TO INTER WI S LI OF N 492 FT OF SW1/4 OF SE1/4 SD SEC BEING ONN LI OF FORMER EARL MILLER PROP TH WLY AL NLY LI SD MILLER PROP TO SD N&S1/4 LI TH NLY AL SD 1/4 LI TO POB BEING PT OF SW1/4 OF SE1/4 SEC 27-34-8
6. **604 Sheridan St.** 052-227-011-00: N 60 FT OF FOLLOWING:COM 5 RDS & 2 FT E & 153

FT S OF INTER OF E&W1/8 LI SEC 27 T34N R8W WI E LI OF EMMET & GRAND TRAV
STATE RD TH S 120 FT TO N LI OF ROBINSONAVE CLARKS ADD IF EXTEND TH DUE W TO
E LI OF E> STATE RD TH NELY AL E LI SD STATE RD TO PT DUE W OF POB TH E TO POB
BEING PT OF SW1/4 OF SE1/4 SEC 27-34-8

7. **605 Sheridan St.** 052-227-003-00: BEG ON THE N&S 1/4 LI SEC 27 T34N R8W 163.5 FT S OF THE S 1/8 LI SD SEC TH E PARA WITH SD S 1/8 LI 177.13 FT TH N PARA WITH SD N&S 1/4 LI 11.8 FT TH SE'LY 154.1 FT TO NW'LY LI OF NORWOOD RD TO A PTE WHICH IS PARA WITH SD S 1/8 LI AND PASSES THRU THE POB TH SW'LY AL THE NW'LY OF SD RD TO ITS INTER W/ THE S LI OF THE N 492 FT TO THE SW 1/4 OF SE 1/4 SD SEC BEING THE N LI OF THE FORMER EARL W MILLER PROP TH W'LY AL THE N'LY LI OF SD MILLER PROP TO SD N & S 1/4 LI TH N'LY AL SD 1/4 LI TO POB BEING PT OF THE SW 1/4 OF SE 1/4 SEC 27 T34N R8W EXC BEG ON THE N&S 1/4 LI SEC 27 T34N R8W 163.5 FT S OF THE S 1/8 LI SD SEC TH E PARA WITH SD S 1/8 LI 177.13 FT TH N PARA WITH SD N&S 1/4 LI 11.8 FT TH SE'LY 154.1 FT TO NW'LY LI OF NORWOOD RD TO A PTE WHICH IS PARA WITH SD S 1/8 LI AND PASSES THRU THE POB TH SW'LY AL SD NW'LY LI OF SD RD 90.28 FT TH NW'LY AT AN ANG OF 81DEG10'53" TO THE RIGHT FROM LAST DESC CRSE 85.40 FT TH SW'LY AT AN ANG OF 13DEG08'06" TO THE LEFT FROM LAST DESC CRSE 217.05 FT TO SD N&S 1/4 LI TH N AL SD 1/4 LI 75FT TO POB BEING PT OF SW 1/4 OF SE 1/4 SEC 27 T34N R8W PREVIOUSLY DESCRIBED AS: BEG 235.5 FT S OF NW COR OF S1/2 SE1/4 SEC 27 T34N R8W TH S 256.5 FT TH E TO WLY LI OF STATE RD TH NELY AL STATE RD TO PT E OF PT OF POB TH W TO POB PT SEC 27-34-8
8. **608 Sheridan St.** 052-227-010-00: BEG 84.5 FT E & 153 FT S INTERSECTION E&W1/8 LI SEC 27 T34N R8W WI ELY LI STATE RD S 120 FT W TO ELY LI RD NELY ALG RD TO PT W OF POB E TO POB EX:N 60FT
9. **610 Sheridan St.** 052-227-012-00: BEG 84.5 FT E & 273 FT S INTERSECTION E &W1/8 LI SEC 27 T34N R8W WI ELY LI STATE RD TH S 233.5 FT TH W TO ELY LI SD RD THNELY AL SD RD TO PT W OF POB TH E TO POB
10. **611 Sheridan St.** 052-227-005-00: COM AT A PT 40 RDS N OF SW COR OF S1/2 OF SE1/4 SEC 27 T34N R8W TH E 16 RDS TH N 10 RDS TH W 16 RDS TH S AL 1/4 LI TO POB EX:THAT PT LYING ELY OF NORWOOD RD
11. **612 Sheridan St.** 052-227-012-15: COM ON E LI EMMET GRAND TRAV STATE RD 2 RDS S FRM PT WHERE E&W1/8 LI INTER SD STATE RD IN S1/2 OF SE1/4 SEC 27 T34N R8W TH E 5 RDS 2FT TH S 548.5FT TH W132.5FT FOR POB TH N9DEG16'30"E 75.99FT TH W 120.25FT M/L TO E LI SD RD TH SLY AL SD RD 79.14FT TO PT W OF POB TH E 132.5FT M/L TO POB BEING PT S1/2 OF SE1/4 SEC 27-34-8 ALSO BEG AT A PT 660FT N & 264FT E OF SW COR OF SE1/4 SEC 27 T34N R8W TH N TO E LI STATE RD TH SWLY AL E LI SD RD TO A PT W OF POB TH E TO POB ALSO BEG 672.5FT N & 264FT E OF SW COR OF SE1/4 SEC 27-34-8 TH E 99FT TH N 66FT TH W 99FT TH S 66FT TO POB PT OF SW1/4 OF SE1/4 SEC 27-34-8 COMBINATION on 03/22/2004 from 052-227-004-20, 052-227-012-10
12. **000 Whitley St.** 052-227-012-20: COM ON E LI EMMET-GRAND TRAV STATE RD 2 RDS S FRM PT WHERE E&W 1/8 LI INTER SD RD IN S 1/2 OF SE 1/4 SEC 27 T34N R8W TH E 5 RDS 2 FT TH S 473.5 FT FOR POB TH CONT S 75 FT TH W 132.5 FT TH N9 DEG 16'30"E 75.99 FT TH E 120.25 FT M/L TO POB BEING PART OF S 1/2 OF SE 1/4 SEC 27-34-8.
13. **819 Whitley St.** 052-227-013-00: BEG 536 FT E & 640.5 FT N SW COR SE1/4 SEC 27 T34N R8W N 98 FT W 173 FT S 66 FT W 99 FT S 12.5 FT W TO SE'LY LI STATE RD SWLY ALG RD TO PT W OF BEG E TO BEG PT SEC 27-34-8.

14. **000 Sheridan St.** 052-227-006-00: BEG 660 FT S OF NW COR S1/2 SE1/4 SEC 27 T34N R8W TH S 198 FT TH E TO WLY LI STATE RD TH NELY AL STATE RD TO PT E OF POB TH W TO POB PT SEC 27-34-8
15. **621 Sheridan St.** 052-227-008-00: BEG AT A PT ON N & S 1/4 LI 28 RDS N OF SW COR OF S 1/2 OF SE 1/4 TH E TO W LI OF STATE RD TH SW'LY AL W LI OF SD RD 100 FT TH W TO N & S 1/4 LI TH N TO POB BEING PT OF S 1/2 OF SE 1/4 SEC 27-34-8.
16. **000 Sheridan St.** 052-227-007-00: SEC 27 T34N R8W COM 28 RDS N OF SW COR OF S 1/2 OF SE 1/4 S ON 1/4 LI TO W LI O OF STATE RD NE AL W LI DUE E OF BEGW TO BEG EX: BEG AT PT ON N & S 1/4 LI 28 RD N OF SW COR S 1/2 OF SE 1/4 TH E TO W LI OF STATE RD TH SW'LY AL W LI OF SD RD 100 FT TH W TO N & S 1/4 LI TH N TO POB BEING PT OF S 1/2 OF SE 1/4 27-34-8.
17. **107 Stover Rd** 052-335-050-00 COM AT INTER OF MAY & STOVER MAY BEING ON W1/8 LI OF SEC 35 T34N R8W W ALG C/L STOVER 244 FT BEING POB CONT W ALG SD RD 102.5 FT TO SW COR FRED DECASTRO PROP N ALG W LI DECASTRO PROPERTY 315 FT E PARASTOVER TO PT 244 FT W C/L MAY ST TO POB PT SW1/4 OF NW1/4 SEC 35-34-8 SUB TO R/W OF STOVER RD

Rezone the following parcels, fully described from (GC) General commercial to R-4 Multi Family District: in the City of Charlevoix, Charlevoix County, Michigan,

1. **743 Petoskey Ave** 052-123-075-00: BEG 840.4 FT W E1/4 COR SEC 23 T34N R8W W ON 1/4 LI 138 FT S TO N LI PETOSKEY AVE ELY ON SD AVE TO PT S OF POB N TO POB PT N1/2 SE1/4 SEC 23 T34N R8W; NOW MORE PARTICULARLY DESCRIBED AS: COM AT WELL BOX @ E.K. ROBINSON'S (COUNTY SURVEYOR) POSITION OF THE E1/4 COR SEC 23 T34N R8W TH AL E.K. ROBINSON'S E&W1/4 LI SD SEC N89DEG55'52"W 842.82 FT (RECD AS 840.4 FT & MEAS 840.60 FT FROM DC NETTLETON'S DEPUTY COUNTY SURVEYOR, E1/4 COR) FOR POB TH S00DEG05'02"W (RECD AS S) 31.90 FT TH CONT S00DEG05'02"W (RECD AS S) 1.10 FT TO S LI DIVISION ST TH CONT S00DEG05'01"W (RECD AS S) 382.66 FT TO N LI PETOSKEY AVE TH AL SD AVE LI S69DEG01'16"W 147.88 FT TO E LI CITY OF CHARLEVOIX PROP TH AL E LI SD CITY'S PROP N00DEG05'01"E (RECD AS N) 435.77 FT TO S RD LI TH CONT N00DEG05'01"E (RECD AS N) 33 FT TO SD ROBINSON'S 1/4 LI TH AL E&W1/4 LI S89DEG55'52"E 138 FT TO POB BEING PT NE1/4 OF SE1/4 SEC 23-34-8
2. **745 Petoskey Ave** 052-123-076-00: COM 737.9 FT W E1/4 COR SEC 23 T34N R8W S0DEG09'E 406.8 FT TO C/L PETOSKEY AVE S69DEG 06'W ON PETOSKEY AVE 108.55 FT N0DEG17'W 445.5 FT TO E&W 1/4 LI E ON 1/4 LI 102.5 FT TO POB PT NE1/4 OF SE1/4
3. **747 Petoskey Ave** 052-123-077-00: COM AT A PT 737.9 FT W OF E1/4 POST SEC 23 T34N R8W TH S0DEG09'E 406.8 FT TO C/L PETOSKEY AVE TH N69DEG06'E AL SD C/L 59.2 FT TH N 406 FT TH W AL 1/4 LI SEC 23 56 FT TO POB ALSO DESC AS: BEG AT A PT 684.09 FT W OF 1/4 POST BETWEEN SEC 23&24 S 384.12 FT TO C/L OF PETOSKEY AVE TH SW'LY AL C/L OF PETOSKEY AVE 59.20 FT TH N TO 1/4 LI TH E 56.00 FT TO POB BEING PT OF N 1/2 OF SE 1/4 OF SEC 23 T34N R8W
4. **680 Division Street** 052-123-079-10: COM AT THE E 1/4 COR OF SEC 23 T34N R8W TH AL THE E-W 1/4 LI OF SD SEC N89°26'22"W 600.19 FT TO A PT IN THE C\L OF DIVISION ST BEING

THE POB TH CONT AL SD 1/4 LI N89°26'22"W 81.74 FT TH S00°29'50"W 32.93 FT TO A 1 INCH PIPE ON THE S LI OF SD ST TH CONT S00°29'50"W 142.88 FT TO A 1 INCH PIPE TH S89°24'59"E 66.73 FT TO A 1 INCH PIPE TH CONT S89°24'59"E 15.68 FT TO A 1/2" IR ROD TH N00°16'58"E 142.96 FT TO A 1/2" IR ROD ON THE S LI OF SD ST TH CONT N00°16'58"E 32.89 FT TO THE POB BEING A PT OF THE NE 1/4 OF THE SE 1/4 OF SEC 23 T34N R8W AND CONT 0.331 A COMBINED ON 12/09/2022 FROM 052-123-079-00 & PT OF 052-123-080-00

5. **755 Petoskey Ave** 052-123-080-10: COM AT THE E 1/4 COR OF SEC 23 T34N R8W TH AL THE E-W 1/4 LI OF SD SEC N89°26'22"W 489.99 FT (REC AS 490.05 FT) TO A PT IN THE C\L OF DIVISION ST BEING THE POB TH CONT N89°26'22"W 110.20 FT TH S00°16'58"W 32.89 FT TO A 1/2" IR ROD ON THE S LI OF DIVISION ST TH CONT S00°16'58"W 287.44 FT TO A PK NAIL ON THE N LI OF PETOSKEY AVE (US-31) TH CONT S00°16'58"W 32.16 FT TO THE C\L OF SD AVE TH AL THE C\L OF SD AVE N69°55'01"E 116.29 FT TH N00°30'04"E 33.14 FT TO A 1/2" IR ROD ON THE N LI OF SD AVE TH CONT N00°30'04"E 245.42 FT TO A 1/2" SQUARE BAR ON THE S LI OF SD ST TH CONT N00°30'04"E 32.93 FT TO THE POB BEING A PT OF THE NE 1/4 OF THE SE 1/4 OF SEC 23 T34N R8W AND CONT 0.835 A SPLIT ON 12/09/2022 FROM 052-123-080-00

Rezone the following parcels, full described from (R-2A) Residential to R-1 Residential District: In the City of Charlevoix, Charlevoix County, Michigan,

1. **106 Dixon Ave.** E 052-126-037-15: BEG AT PT ON S LI OF DIXON AVE 294.5FT E OF E LI OF MICH AVE TH CONT E AL SD DIXON AVE 74.5FT TH S 198FT TH W 74.5FT TH N11DEG17'50"E 53.45FT TH N7DEG57'W 56FT TH N1DEG43'58"W 90.16FT TO POB BEING PT GOV LOT 2 SEC 26-34-8 .321A 97SP0996 FROM 126-037-00

2. **106 Dixon Ave.** E 052-126-037-10: BEG AT PT ON S LI OF DIXON AVE 220 FT E OF E LI OF MICH AVE TH S 198FT TH E 74.5 TH N11DEG17'50"E 53.45FT TH N7DEG57'W 56FT TH N1DEG43'58"W 90.16FT TO S LI OF DIXON AVE TH AL SD DIXON AVE W 74.5FT TO POB BEING PT GOV LOT 2 SEC 26-34-8 .356A 97SP0996 FROM 126-037-00

3. **304 Michigan Avenue** 052-153-001-00: LOTS 1 & 2 OF BLOCK 3 OF DIXONS ADDITION

4. **1032 May Street** 052-335-062-20 87SP/COMB 335-062-10/335-062-00 PT OF SE 1/4 OF NW 1/4 OF SEC 35 T34N R8W DESC AS COM AT INTERS C/L MAY ST & STOVER RD IN CITY OF CX TH E AL C/L OF SD STOVER RD 238.37 FT TH N 269.94 FT TH W 238.37 FT TO C/L OF SD MAY ST TH S ON C/L OF SD MAY ST 269.94 FT TO POB EX: COM AT 5/8 IN BAR AT W 1/4 COR OF SEC 35-34-8 TH N 0DEG 49'24"W AL W LI OF SD SEC 1229.33 FT TH N 89DEG 42'35"E 1320.49 FT TO W 1/8 LI OF SD SEC TH S 0DEG 49'59" E 411.6 FT TO PT IN C/L OF MAY ST HAVING BEEN RECD AS 27.78 CHS S OF N LI OF SD SEC BEING POB OF DESC TH N 89DEG 41'16"E 238.2 FT (RECD AS E 238.37 FT) TO A T-IR ST TH S 0DEG 51'12"E 9RECD AS S) 100 FT TO 1/2 IN ROD TH S 89DEG 41'16-"W 238.24 FT TO SD W 1/8 LI TH N 0DEG 49'59"W (RECD AS N) AL SD 1/8 LINES & AL C/L OF SD RD 100 FT TO POB BEING PT OF SE 1/4 OF NW 1/4 SEC 35-34-8.

The City of Charlevoix Planning Commission is proposing to rezone the following parcels, full described from (R-2A) Residential to R-2 Residential District: in the City of Charlevoix, Charlevoix County, Michigan,

1. **305 & 307 Crain Street** 052-280-045-00: R2 WESTPORT LOTS 45 & 48
2. **107 Stover Rd** 052-335-050-00: COM AT INTER OF MAY & STOVER MAY BEING ON W1/8 LI OF SEC 35 T34N R8W W ALG C/L STOVER 244 FT BEING POB CONT W ALG SD RD102.5FT TO SW COR FRED DECASTRO PROP N ALG W LI DECASTRO PROPERTY 315 FT E PARASTOVER TO PT 244 FT W C/L MAY ST TO POB PT SW1/4 OF NW1/4 SEC 35-34-8 SUB TO R/WOF STOVER RD

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.

Motion by Kalbfell, seconded by Hagen to approve Ordinance Amendment 843 of 2023 as presented.

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

Nays: None

Absent: None

Motion carried.

7. All Other Actions and Requests

A. Verizon Small Cell Pole Central Business District

Jonathan Scheel, Zoning Administrator

Zoning Administrator Scheel explained the definition of a small cell pole tower. Mr. Scheel explained Verizon's application and plan for the small cell pole installation. City Manager Heydlauff and Mr. Scheel answered questions from Council.

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

Motion by Parr, seconded by Spring to approve the small cell pole application as presented.

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

Nays: None

Absent: None

Motion carried.

B. 2024 City Council Goals

Mark Heydlauff, City Manager

City Manager Heydlauff stated he revised the City Council's goals from comments provided in the goal work session.

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

Motion by Spring, seconded by Parr to adopt the 2024 City Council Goals as presented.

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

Nays: None

Absent: None

Motion carried.

8. Reports and Communications

A. Public Comment

- Tim Kish stated his concerns about short-term rentals
- Shawn Coughlin stated his concerns about short-term rentals

B. City Manager's Comments

- One of our high service water pumps is in need of emergency repair
- We had a successful Applefest weekend with the changes
- Shared a recap of the South Haven Mayor Exchange trip

C. Mayor and Council Comments

9. Other Council Business

10. Adjourn

Mayor Gennett adjourned the meeting at 6:58 p.m.

Sarah J. Dvoracek

City Clerk

Lyle Gennett

Mayor