

City of Charlevoix
City Council Regular Meeting Minutes
Monday, December 18, 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 Cole to approve the consent agenda as presented.

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

Nays: None

Absent: None

Motion carried.

A. City Council Meeting Minutes - November 30, 2023 & December 4, 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
11/30/2023	Special Accounts Payable Run	32,558.61
12/08/2023	Payroll (net pay)	\$126,840.12
12/08/2023	Payroll Transmittal	\$8,890.41
12/11/2023	Special Accounts Payable Run	\$4,244.70
12/19/2023	Regular Accounts Payable	\$155,386.44
12/04/2023-12/11/2023	ACH/WIRE Payments	\$158,615.42
12/12/2023	Special A/P Tax	\$377,298.27

	Disbursement	
Grand Total		\$863,833.97
To view the entire accounts payable and payroll check registers, Click here .		

C. MPPA Purchase Power Commitment

Motion to approve the MPPA AES PPC for Planning Years 25/26--31/32, MPPA CMS PPC for Planning Year 28/29--39/40, and MPPA Wolverine PPC for Planning Years 28/29 --39/40 in the not-to-exceed amounts as presented.

D. 300 kVA Transformer purchase in the amount of \$28,411

Motion to approve the purchase of one Howard Industries 300 kVA pad mounted transformer through Power Line Supply for the amount of \$28,411.

E. Mason Street EV Charging Station, \$33,348

Motion to approve the purchase of two (2) Level II Electric Vehicle Chargers, including a five (5) year network operating agreement and a five (5) year warranty from Westside Solutions, Jackson, MI, in the amount of \$33,348 as presented.

F. Mason Street EV Charging Station Installation \$8,420

Motion to accept the bid from Select Electric, Petoskey, Michigan, to install two (2) Level II Electric Vehicle Chargers, for the amount of \$8,420.

6. Public Hearings and Actions Requiring Public Hearings

A. Public Hearing Zoning Ordinance Amendments-Housing Related

Jonathan Scheel, Zoning Administrator

Jonathan Scheel stated this amendment was presented in October and the only change was made to the West Garfield Avenue Overlay District.

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

CITY OF CHARLEVOIX

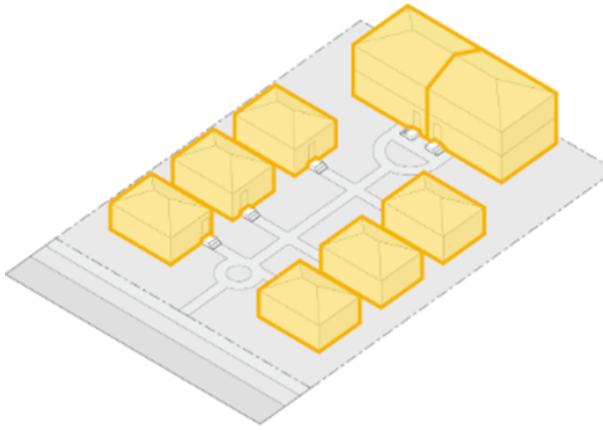
ORDINANCE NO. 842 of 2023

AN ORDINANCE TO AMEND TITLE XV: LAND USAGE; SECTIONS 153.005; 153.055; 153.070; 153.072; 153.102; 153.117; 153.125; 153.237 OF THE CITY OF CHARLEVOIX CODE

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Title XV, Chapter 153, Section 153.005 Definitions of the City of Charlevoix Code is hereby amended to add the following definition and shall be placed under (B) Definitions of Dwelling Unit (d) Dwelling, Accessory Unit and labeled (e).

(e) DWELLING, COURTYARD. A structure or series of structures consisting of multiple detached, side-by-side, and/or stacked dwelling units oriented around a courtyard or series of courtyards. The courtyard typically replaces the function of a rear yard and is more open to the street in low intensity neighborhoods and less open to the street in more urban settings. Each unit is accessed from the courtyard. See image of an example below.



SECTION 2. Title XV, Chapter 153, Section 153.005 Definitions of the City of Charlevoix Code is hereby amended to add the following definition and shall be placed under the list of definitions in alphabetical order.

INFILL DEVELOPMENT. The process of developing vacant or underutilized parcels within existing urban areas that are already largely developed. See image labeled Missing Middle Housing below.



SECTION 3. Title XV, Chapter 153, Section 153.055 Zoning Map (A (1) Residential districts, item (c) and (f) are hereby repealed.

SECTION 4. Title XV, Chapter 153, Residential Districts, Section 153.070 Intent items (A), (B), (C) and (D) shall be repealed and replaced and shall read as follows:

A. R1, Low Density Family Residential District. This district is intended to provide stable, low-density neighborhoods of predominantly detached, attached, and clustered single-family dwellings. Where new infill development occurs, housing may include: accessory dwelling units, two-family dwellings, courtyard dwellings, and multi-family structures that are compatible in scale with detached single-family homes and maintain single-family character. This district also permits non-residential uses that contribute to the culture and well-being of single-family neighborhoods, such as parks, schools and churches.

B. R2, Medium Density Family Residential District. The R2 District is intended to provide for residential neighborhoods where a mix of detached, attached, and clustered single-family dwellings, accessory dwelling units, two-family dwellings, courtyard dwellings, and multi-family structures that maintain single-family character.

C. R4, Planned High Density Residential. This district allows for higher density developments such as condominiums, apartment buildings, site condominiums and large multiple-family dwellings. Multiple-family dwellings may include apartment buildings, townhouses, courtyard dwellings and clustered housing.

SECTION 5. Title XV, Chapter 153, Residential Districts, Section 153.171 Schedule of Uses, Table 153.071 Allowed Uses in Residential Zones shall be repealed and replaced and shall read as follows:

Uses permitted in the R1, R2, R4 and PC Districts are listed in Table 153.071 of this chapter. Additional requirements related to a specific use, if any are referenced in the “Specific Requirements” column.

	R1	R2	R4	PC	Specific Requirements
ACCESSORY					
Accessory uses, building and structures	P	P	P	P	§153.116(A)
Bed and breakfast establishments	S	S	-	-	§153.116(D)
Boathouses, upland dredging	S	-	-	S	§153.116(E)
Day care					
Family day care home	S	S	-	-	
Group day care home	S	S	-	-	§153.116(F)
Foster care					
Adult foster care family home	S	S	-	-	
Foster family home and foster family group home	S	S			
Major home occupation	S	S	S	-	§153.116(H)
Minor home occupation	P	P	P	P	§153.116(H)
Solar panels	P	P	P	P	§153.116(J)
Wind energy conversion systems, single accessory	P	P	P	P	§153.116(K)
RESIDENTIAL					
	R1	R2	R4	PC	Specific Requirements
Adult foster care large group home	-	-	S	-	
Adult foster care small group home	S	S	-	-	
Convalescent and nursing homes	-	-	S	-	
Dwellings					
Single-family, detached	P	P	P	P	§ 153.117 (A)
Single-family, attached (3 or more units)	P	P	P	P	§ 153.117 (A)
Two-family	P	P	P	P	§ 153.117 (G)
Multiple family (3 or more units)	P	P	P	P	§ 153.117 (G)
Accessory dwelling unit	P	P	-	-	
Senior housing; independent living, assisted living and similar facilities	-	-	S	-	§ 153.117 (B)
Rentals	P	P	P	P	§153.158

Boarding/rooming houses	S	S	-	-	
OFFICES AND SERVICES					
Day care center/nursery	S	S	-	-	§153.121(A)
RECREATION AND OPEN SPACE					
Public parks/playgrounds	P	P	P	P	
Athletic courts	P	P	P	P	§153.125(A)
PUBLIC/INSTITUTIONAL					
Churches and customary related uses	P	P	P	P	
Colleges and universities	-	-	S	-	
Community centers	-	-	S	-	
OTHER USES					
Essential service, publicly owned	P	P	P	P	
Site condominium	P	P	P	P	§153.117(C)

SECTION 6. Title XV, Chapter 153, Residential Districts, Section 153.072 Area, Height, and Placement Requirements Table 153.072(a) and item (B) shall be repealed and replaced and shall read as follows:

<i>Table 153.072(a): Lot and Width Requirements in Residential Districts</i>		
Zoning District	Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)
R1	9,000	70
R2	6,000	50
R4	15,000	80
PC	NA	NA

(B) Dimensional requirements. Building height, setbacks, lot coverage and minimum floor area for development of a principal structure in the R1, R2, R4, and PC Districts shall conform to the requirements of Table 153.072(b) of this chapter.

SECTION 7. Title XV, Chapter 153, Residential Districts, Section 153.072 Area, Height, and Placement Requirements Table 153.072(b) shall be repealed and replaced and shall read as follows:

	Table 153.072(b): Dimensional Requirements in Residential Districts								
Zoning District	Max. Building Height (ft.)	Minimum Yard Setbacks (ft.)				Maximum Lot Coverage (%)	Min. Gross Floor Area (sq. ft.)		Principle Structure Minimum Width (ft.) ⁷
		Front					1 Story	2 Stories	
			Side Interior	Street Side	Rear				
R1	26 ⁶	15 ²	10 ²	15 ²	25 ²	40 ^{3,5}	800	1200	20
R2	26 ⁶	15	8	15	25	40 ^{4,5}	800	1200	20

PC	26	0¹	0¹	0¹	0¹	NA	0	0	20
R4⁸	35	15	15	15	25	50	800	1200	20

NOTES TO TABLES 153.072(a) and 153.072(b)

¹ No minimum lot size or width is required; provided, the land is in common ownership. If the land is subdivided, the requirements of the R1 District shall apply.

² Setbacks within the C&O Club Development shall be 35 feet for front yard, 15 feet for side yard and 25 feet for rear yard.

³ Maximum lot coverage shall be 50% for lots less than 7,000 square feet.

⁴ Maximum lot coverage shall be 50% for lots less than 4,500 square feet.

⁵ Lot coverage may be increased to 50% if additional landscaping requirements are met. See 153.171(A)(B)(E).

⁶ Single multi-family structures 30-foot maximum height

⁷ Does not include clustered homes, or courtyard homes.

⁸ Planning Commission Site Plan Approval

SECTION 8. Title XV, Chapter 153, Residential Districts, Section 153.072 Area, Height, and Placement Requirements item C. and Table 153.072(c) shall be repealed and replaced and shall read as follows:

C. Dimensional requirements: square footage for accessory dwelling units and single multifamily buildings units. Square footage for accessory dwelling units and single multifamily building units shall conform to the requirements of Table 153.072(c).

Table 153.072(c): Dimensional Requirement: Square footage for Accessory Dwelling Units and Single Multi-Family Building Units		
Zoning District	Minimum	Maximum
R1 and R2	300	900 for ADU only

SECTION 9. Title XV, Chapter 153, Residential Districts, Section 153.072 Area, Height, and Placement Requirements, Table 153.072(d) and item (E) (2) Development Requirements, items (a), (b), (c) and (e) shall be repealed and replaced and shall read as follows:

Table 153.072(d): Dimensional Requirement in Multiple-family Dwellings in the R4 Zone									
Max. Building Height (ft.)	Minimum Yard Setbacks (ft.)				Lot Coverage (%)	Min. Floor Area (sq. ft.), based on number of bedrooms			Distance Between Buildings
	Yard Adjacent to:	Front	Side	Rear		1 bedroom / efficiency	2 bedrooms	3 bedrooms	

35	All districts	15	15	25	50	400	600	900	20
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(E) *R4 District; additional requirements for multiple-family dwellings.*

(2) Development requirements.

(a) Distance between buildings. The horizontal distance measured between buildings, forming courts and courtyards, shall not be less than 20 feet.

(b) Parking. A parking area shall be placed so that it does not interfere with any recreation or service area and shall be set back at least 15 feet from property lines.

(c) Paving. All areas provided for use by vehicles and all pedestrian walks shall be surfaced with bituminous asphalt, concrete, pervious concrete or similar materials and be properly drained.

(e) Vehicular circulation system. The proposed development will have a planned circulation system that is designed in the best interest of the public health, safety, and welfare in regard to the overall circulation of the community. Provision shall be made for safe and efficient ingress and egress to the public streets and highways without undue congestion to, or interference with, normal traffic flow.

SECTION 10. Title XV, Chapter 153, Residential Districts, Section 153.072 Area, Height, and Placement Requirements, Table 153.072(f) shall be repealed and replaced and shall read as follows:

<i>Table 153.072(f) Dimensional Requirements: Single-Family Attached, Single-Family Detached and Two-Family Dwellings in an R4 Clustered Housing Development Zone</i>								
<i>Max. Building Height (ft.)</i>	<i>Minimum Yard Setbacks (ft.)</i>				<i>Lot Coverage (%)</i>	<i>Min. Gross Floor Area (sq. ft.)</i>		<i>Distance Between Buildings</i>
	<i>Yard Adjacent to:</i>	<i>Front</i>	<i>Side</i>	<i>Rear</i>		<i>1 story</i>	<i>2 stories</i>	
30	All districts	15	10	20	NA	800	1,100	10

SECTION 11. Title XV, Chapter 153, Residential Districts, Section 153.102 West Garfield Avenue General Commercial Overlay District and item (C) Permitted uses, item (D) Other regulations and item (E) Dimensional requirements item (2) shall be repealed and replaced and shall read as follows:

(C) Permitted uses. The following uses shall be permitted:

- (1) Restaurants, not including drive-through establishments;
- (2) Convenience stores;
- (3) Grocery stores;
- (4) Single Multi-family residential;
- (5) Retail stores.

(D) Other regulations. The Planning Commission, upon request, may determine if a proposed use not listed above is similar to, or comparable to, the permitted uses in Table 153.086. If the Planning Commission determines a proposed use is not similar or comparable to the

permitted uses, the applicant may apply for a special use permit. The Planning Commission may issue a special use permit provided that the proposed use is found to generate commercial activity which furnishes convenient goods and services to meet the daily needs of the residents of the neighborhood in accordance with the purpose of this section, and it meets the requirements for special land use permits in §§ 153.250 through 153.257 of this chapter.

(E)(2) Height. The maximum permitted building height shall be 30 feet.

SECTION 12. Title XV, Chapter 153, Residential Districts, Section 153.117 Residential Uses, item (A) Dwellings, single-family attached or detached (outside manufactured home communities) item 7 shall be repealed and replaced and shall read as follows:

(A)(7) A recreational vehicle, vehicle chassis or tent is not considered a dwelling.

SECTION 13. Title XV, Chapter 153, Residential Districts, Section 153.117 Residential Uses, (B) Site condominiums and items (1) and (2) shall be repealed and the section headers shall be relabeled accordingly in alphabetical order.

SECTION 14. Title XV, Chapter 153, Residential Districts, Section 153.117 Residential Uses, previously labeled (G) Single-family attached and single multiple-family buildings now relabeled (E) shall be repealed and replaced and shall read as follows:

(E) Single-family attached and single multiple-family buildings.

(1) Single-family attached buildings and single multiple-family buildings are subject to all applicable regulations of the zoning district in which they are located unless otherwise expressly stated in this section.

(2) The main entrance is located in the building façade of the principal frontage.

(3) A maximum of two entrance per building façade.

(4) Parking is located in the rear or on the side of the building.

(5) Parking access is from the alley where available, otherwise access may be from the side or front lot line.

(6) The principal building façade shall have a minimum of 20% glazing (windows). There shall be a minimum of two 6 sq ft windows per non-street facing building façade.

(7) Roofline/pitch, siding, other architectural elements maintain single family character.

SECTION 15. Title XV, Chapter 153, Residential Districts, Section 153.117 Residential Uses, item (G) shall be repealed and replaced and shall read as follows:

(G) Short-term rentals. Short-term rentals shall be regulated as provided in Chapter 114 of this code.

SECTION 16. Title XV, Chapter 153, Residential Districts, Section 153.125 Other Uses item (E) Short term rentals shall be repealed and the section headers shall be relabeled accordingly in alphabetical order.

SECTION 17. Title XV, Chapter 153, Residential Districts, Section 153.237 Standards for Site

Plan Approval item (F) (2) shall be repealed and replaced and shall read as follows:

(F) (2) Storm water. Storm water retention and drainage systems shall be designed so the removal of surface water will not adversely affect neighboring properties or public storm water drainage systems. Unless impractical, storm water shall be removed from all roofs, canopies and paved areas by an underground surface drainage system. Low impact design solutions such as rain gardens and green roofs are encouraged. The proposed project will meet the City of Charlevoix Storm Water Ordinance. Applicants are required to submit a grading and drainage plan, demonstrating stormwater can be contained and managed on the subject property if no municipal stormwater system exists. If a municipal stormwater system exists, the Director of Public Works or consulting engineer representing the city shall review the grading and drainage plan to determine if the existing infrastructure can adequately handle the stormwater runoff. Applicants may be required to install stormwater management features to mitigate impacts to the municipal stormwater system.

SECTION 18. 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 19. Effective Date

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

Ordinance No. 842 was adopted on the 18th day of December 2023 A.D., by the Charlevoix City Council as follows:

Motion by: Spring

Seconded by: Kalbfell

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

Nays: None

Absent: None

Motion carried.

7. All Other Actions and Requests

A. Homeowner Rehabilitation Grant Funding Opportunity

Jonathan Scheel, Zoning Administrator

Jonathan Scheel, Zoning Administrator, explained the potential grant opportunity which aligns with the Master Plan as well as City Council's goals. Mr. Scheel answered questions from Council.

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

Motion by Kalbfell, seconded by Hagen to authorize staff to submit a grant proposal for up to \$50,000 for the Housing Readiness Incentive Grant.

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

Nays: None

Absent: None

Motion carried.

B. Local Government Approval for Off-Premises Tasting Room License-Lost Cellars, Inc.

Mark Heydlauff, City Manager

City Manager Heydlauff explained the local government approval process and Lost Cellars' application. Mr. Heydlauff also stated the DDA is considering Lost Cellar's as a sublease in the Bridge Park building. City Manager Heydlauff answered questions from Council.

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

Motion by Cole, seconded by Spring to approve Resolution 2023-12-02 recommending approval for an off-premises tasting room license for Lost Cellars.

CITY OF CHARLEVOIX

RESOLUTION NO. 2023-12-02

LOCAL GOVERNMENT APPROVAL FOR OFF-PREMISES TASTING ROOM LICENSE

A. At a regular meeting of the City of Charlevoix called to order by Mayor Lyle Gennett on December 18, 2023, at 6:00 p.m. the following resolution was offered:

B. Motion by Cole, seconded by Spring that the application from Lost Cellars, Inc. for a NEW OFF-PREMISES TASTING ROOM LICENSE to be located at: 109 Bridge Park Drive, Charlevoix, MI 49720.

C. It is the consensus of this body that it recommends this application be considered for approval by the Michigan Liquor Control Commission.

RESOLVED this 18th day of December 2023 A.D.

Resolution was adopted by the following yeas and nays vote:

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

Nays: None

Absent: None

Motion carried.

C. Sale of Land for Utility Shed

Mark Heydlauff, City Manager

City Manager Heydlauff explained the request from PFN regarding purchasing a parcel of land to install their utility shed to expand fiber in the area. City Manager Heydlauff answered from Council.

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

Motion by Parr, seconded by Knapp to authorize the City Manager to perform due diligence and prepare legal documents for the sale of a parcel not to exceed 100 feet by 100 feet within the city-owned stump dump parcel off US 31 South in Charlevoix Township.

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

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 Cole , seconded by Kalbfell to confirm the mayor's appointment of Dale Meredith to the Compensation Commission for a term to expire on December 31, 2028.

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

Nays: None

Absent: None

Motion carried.

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

Motion by Kalbfell , seconded by Hagen to confirm the mayor's appointment of Jennifer Muladore to the Shade Tree & Park Commission for a term to expire on December 31, 2026.

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

Nays: None

Absent: None

Motion carried.

8. Reports and Communications

A. Public Comment

B. City Manager's Comments

- Thanked the Electric Department for their quick response in the recent power outage
- The variable frequency drive project is moving forward at the Water Plant
- There is tree trimming occurring at the airport near the approaches which is required by the FAA
- The new EV charging stations will be installed soon and the old EV station might be repurposed
- On January 9, the bridge will closed from 7pm to 7am, staff is taking the necessary steps in planning for all essential services
- Congrats to Officer Orban for appearing on the cover of Michigan Association of Chiefs of Police magazine

C. Mayor and Council Comments

- Council collectively thanked the Electric Department for all their hard work
- Council collectively wished everyone a Merry Christmas

9. Other Council Business

10. Adjourn

Mayor Gennett adjourned the meeting at 6:23 p.m.

Sarah J. Dvoracek

City Clerk

Lyle Gennett

Mayor