

City of Charlevoix
City Council Regular Meeting Minutes
Monday, March 4, 2024 - 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 Knapp to approve the consent agenda as presented.

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

Nays: None

Absent: None

Motion carried.

A. City Council Meeting Minutes - February 19, 2024

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
02/22/2024	Special Accounts Payable Run	\$76,142.84
03/01/2024	Payroll (net pay)	\$110,982.01
03/01/2024	Payroll Transmittal Checks	\$5,881.11
03/05/2024	Regular Accounts Payable	\$171,394.27
02/20/2024-03/01/2024	ACH/WIRE Payments	\$351,766.72
Grand Total		\$716,166.95
The entire accounts payable and payroll check registers, can be viewed on our website.		

C. Use of Bridge Park for Charlevoix Marathon

Motion to approve the use of Bridge Park for the 2024 Marathon.

D. Decertification of 326' of East Dixon Ave

Motion by Parr, seconded by Knapp to approve Resolution 2024-03-01 as presented.

CITY OF CHARLEVOIX

RESOLUTION NO. 2024-03-01

DECERTIFICATION OF PORTION OF EAST DIXON AVENUE

WHEREAS, the Michigan Department of Transportation (MDOT) has requested that the City of Charlevoix decertify a portion of East Dixon Avenue.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Charlevoix wishes to decertify a portion of East Dixon Avenue. This decertification/vacation of East Dixon is located between East Dixon Avenue and Chicago Avenue for a total decertification/vacation length of 326 feet.

RESOLVED, this 4th day of March, A.D. 2024.

Resolution was adopted by the following yea and nay vote:

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

Nays: None

Absent: None

Motion carried.

E. 2024 Pavement Marking Contract for \$24,635.67

Motion to approve the pavement marking bid for \$24,635.67 and authorize the City Manager to sign any required documents.

F. 2024/25 Restroom Cleaning Contract with Conway Professional Services

Motion to approve the bid as submitted by Conway Professional services and authorize the City Manager to sign any required documents.

G. Emergency Repair of Fire Truck: \$20,135.57

Motion to approve the emergency repair of the fire truck vehicle in the amount of \$20,135.57.

H. Bridge Street Streetlights: \$263,341

Motion to approve the purchase of 14 Holophane decorative streetlights through Power Line Supply, Reed City, Michigan, in the amount of \$76,426 as presented.

Motion to approve the installation of 14 decorative streetlights by J Ranck, Mount Pleasant, Michigan, in the amount of \$186,915 as presented.

6. Public Hearings and Actions Requiring Public Hearings

A. Set Public Hearing: Zoning Ordinance Amendments

Jonathan Scheel, Zoning Administrator

Director of Planning and Zoning Scheel explained the proposed zoning amendments were recommended by the Planning Commission. Mr. Scheel stated the Planning Commission is continuing to work through the Zoning Ordinance to align it with the Master Plan. City Manager

Heydlauff and Mr. Scheel answered questions from Council.

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

Motion by Spring, seconded by Cole to set a public hearing for Monday, March 18, 2024, at 6pm in the Council Chamber of City Hall, 210 State Street, Charlevoix, MI for the proposed Zoning Ordinance Amendments.

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

Nays: None

Absent: None

Motion carried.

B. Short Term Rental Ordinance Amendment

Mark Heydlauff, City Manager

City Manager Heydlauff stated Council has a hard copy in front of them of the short term rental ordinance which reflects a slight revision to the draft that addresses a duplex being used as a short term rental, the language that addresses the singularity of ADUs vs principal residence use in Section 114.05 B3. Mr. Heydlauff stated Staff received feedback from duplex owners where both units are currently registered as short-term rentals. The language in the current draft amendment would prohibit this from continuing; to remedy this, Staff drafted language Council can consider tonight that would apply more narrowly to ADUs and principal residences.

Discussion was held. Mr. Heydlauff answered questions from Council.

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

Member Kalbfell made a motion to strike the language that allows ADUs to be used as short-term rental and to reinsert the language that prohibits ADUs being used as short-term rentals. Motion failed no second.

Motion by Parr, seconded by Knapp to approve Ordinance 846 as presented with amendments from March 4.

CITY OF CHARLEVOIX

ORDINANCE NO. 846

AN ORDINANCE AMENDMENT TO AMEND TITLE XI: BUSINESS REGULATIONS; CHAPTER 114: SHORT-TERM RENTALS SECTIONS 114.02 DEFINITIONS, 114.03 REGISTRATION AND LICENSING REQUIRED, 114.04 REGISTRATION PROCESS AND PROCEDURE, 114.05 TYPES OF SHORT-TERM RENTALS, 114.06 REGULATIONS

THE CITY OF CHARLEVOIX ORDAINS:

Section 1: Title XI, Chapter 114, Section 114.02 Definitions of the City of Charlevoix Code is hereby amended to add the following definition of Sale and shall be placed under the list of definitions in alphabetical order and shall read as follows:

Sale: The General Property Tax Act, [MCL 211.27a](#) “transfer of ownership” as defined in Section 6(a)-(k).

Section 2: Title XI, Chapter 114, Section 114.02 Definitions of the City of Charlevoix Code is hereby amended to modify the definition of Short term rental and shall read as follows:

Short-term rental ("STR"): The rental of a dwelling unit for compensation for a term of 1 to 29 interrupted or uninterrupted nights per year in the R-1 and R-2 zoning districts.

Section 3: Title XI, Chapter 114, Section 114.03 Registration and Licensing Required items (A), (B), and (F) subsection 6. of the City of Charlevoix Code shall be repealed and replaced and shall read as follows:

- A. All dwelling units shall be registered and licensed with the City as stipulated in this chapter.
- B. The advertisement or rental of an unregistered dwelling unit is prohibited.
- F.6. A statement indicating how many days it was rented in the previous calendar year; and

Section 4: Title XI, Chapter 114, Section 114.04 Registration Process and Procedure item (A) and its subsections are hereby repealed, items B-E shall be renumbered accordingly.

Section 5: Title XI, Chapter 114, Section 114.05, Types of Short-Term Rentals items (B) subsections 1 and 2 shall be amended and shall read as follows and subsection (3) shall be added and read as follows:

- B. Business units. Business units may be rented without restriction on days rented per year.
 - 1. Council shall establish a cap on the number of business units of primary residences to be allowed within the R-1 and R-2 zones through a resolution adopted by Council. The initial cap shall be set at 80 business units.
 - 2. The cap shall be reconsidered by Council as needed by the direction of the City Council.
 - 3. Only one STR license shall be issued per parcel that contains both a principle residence and an ADU. Upon notification of the Enforcement Officer, a STR license that was issued for a primary dwelling may be used as a secondary legal dwelling unit (ADU) that meets all applicable requirements of the zoning ordinance. At no time shall more than one dwelling unit on a parcel be used as a STR during the same time period.

Section 6. Title XI, Chapter 114.05, Types of Short-Term Rentals item (C) subsections 1. 2. and 3. shall be added under letter (B) Business units and shall read as follows:

- C. Accessory Dwelling Units (ADUs). ADUs constructed after February 1, 2024, may be rented without restriction on days rented per year.
 - 1. STR ADUs will be separated by a minimum of 300 feet on each street face per City block.
 - 2. STR ADUS will meet all other Zoning Ordinance standards of Section 153.116 Accessory Buildings and Uses
 - 3. STR ADUs shall not be capped in number across the City with the exception of (C.) (1.) above.

Section 7: Title XI, Chapter 114.06, Regulations item (K) Inspections and conditions shall be repealed and replaced and shall read as follows:

- K. Inspections and conditions. Upon original application and/or upon written complaint, the Enforcement Officer may make periodic inspections of a short-term rental using the standards

of the International Property Maintenance Code as adopted by the City to ensure continuing compliance with the approval standards specified in this chapter. In addition, the Enforcement Officer may impose reasonable conditions on a registration issued under this chapter which are reasonably necessary to ensure compliance with the approval standards provided in this chapter.

SECTION 8. 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 9. Effective Date

This Ordinance shall become effective thirty (30) days after its enactment pursuant to the City Charter.

Ordinance No. 846 was adopted on the 4th day of March 2024 A.D., by the Charlevoix City Council as follows:

Yeas: Hagen, Cole, Parr, Spring, Knapp

Nays: Kalbfell

Absent: None

Motion carried.

C. Rezone of 13513 Division Street

Mark Heydlauff, City Manager

City Manager Heydlauff explained Council approved the annexation of parcel 13513 Division St.; per the City's Zoning Ordinance, when a parcel of land is annexed, the parcel is automatically given an R-1 zoning classification. The parcel needs to be rezoned as a public facility.

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

Motion by Cole, second by Spring to approve Ordinance 847 of 2024 as presented.

CITY OF CHARLEVOIX

Ordinance No. 847 of 2024

AN ORDINANCE TO AMEND TITLE XV, CHAPTER 153, SECTIONS 153.055, OF THE CHARLEVOIX CITY CODE

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 include a recently annexed parcel commonly known as 13513 Division Street:

SECTION 2. Description of the amended

The Zoning Use District Map is hereby amended to rezone the following described area from R-1 Single Family District to Public Facility: IN THE CITY OF CHX CHX CNTY COMM AT E 1/4 COR OF SEC 23 T34N R8W TH N89°26'22"W 1519.29 FT AL THE E-W 1/4 LI SD SEC 23 AND C/L DIVISION

ST TO POB TH CONT AL SD 1/4 LI AND C/L N89°26'22"W 460.49 FT TO E LI OF PLAT OF HOMELAND SUBD AS MONU TH AL SD MONU SUBD LI N00°13'31"E 832.03 FT (RECD AS N00°31'W) TH S89°45'39"E 460.68 FT TH S00°14'19"W 834.61 FT TO POB BEING PT OF SW 1/4 OF NE 1/4 OF SEC 23 T34N R8W AND CONTAINING 8.811 A SPLIT ON 12/29/2023 FROM 004-023-014-00 & ANNEXED TO CITY OF CHARLEVOIX 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. Commonly known as 13513 Division Street.

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. 847 was adopted on the 4th day of March, 2024 A.D., by the Charlevoix City Council as follows:

Motion by: Cole

Seconded by: Spring

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

Nays: None

Absent: None

Motion carried.

7. All Other Actions and Requests

A. Reschedule Council Meetings for Elections

Mark Heydlauff, City Manager

City Manager Heydlauff explained that since the Council Chambers are used for the election and there has always been a Council meeting scheduled before the election, he is proposing a new schedule to help lessen the burden on the Clerk. Mr. Heydlauff proposed to move the first Council meetings in May and August to the following Wednesday and the first Council meeting in November to the Friday before.

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

Motion by Spring, seconded by Kalbfell to adjust the Council Meeting schedule as presented.

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

Nays: None

Absent: None

Motion carried.

B. Response for Marina Commercial Slip Request for Proposal

Recreation Director Knorr explained the two proposals. Discussion was held. Mr. Knorr answered questions from Council.

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

Motion by Hagen, seconded by Kalbfell to approve the City Manager sign a two-year agreement with White Cap Charter for a Dock Lease at the City Marina with a payment of \$160 per foot boat length for each season.

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

Nays: None

Absent: None

Motion carried.

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

Motion by Parr, seconded by Knapp approving the Recreation Director to have follow-up conversation with Harbor Princess to further explore their proposal for a partial season operation at the Marina.

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

Nays: None

Absent: None

Motion carried.

8. Reports and Communications

A. Public Comment

B. City Manager's Comments

- CHILL Housing Grant has received final approval
- DDA is cleaning and updating Bridge Park Building, crews will be working on the building this week
- With the mild weather, the Public Works Department is painting and sanding picnic tables, preparing for spring, thanked them for their hard work
- On the consent agenda, the streetlight project, a sample light can be viewed outside the Council Chamber's window of what they will look like
- EV chargers will be installed soon

C. Mayor and Council Comments

- Council Member Kalbfell had a question about the decertification of E. Dixon

9. Other Council Business

10. Adjourn

Mayor Gennett adjourned the meeting at 6:49 p.m.

Sarah J. Dvoracek

City Clerk

Lyle Gennett

Mayor