

**CITY OF CHARLEVOIX**  
**REGULAR CITY COUNCIL MEETING MINUTES**  
**Monday, November 2, 2009 — 7:00 p.m.**  
210 State Street, City Hall, Council Chambers, Charlevoix, MI

The meeting was called to order at 7:00 p.m. by Mayor Norman L. Carlson, Jr.

**I. Pledge of Allegiance**

**II. Roll Call of Members Present**

Mayor: Norman L. Carlson, Jr.  
City Attorney: Jim Young  
City Manager: Rob Straebel  
Recording Secretary: Linda Jo Weller  
Members Present: Council members Gabe Campbell, Shane Cole, Lyle Gennett, Dennis Kusina, Jill Picha, and Greg Stevens  
Absent: None

**III. Inquiry Regarding Possible Conflicts of Interest**

None.

**IV. Consent Agenda**

The following items were approved and filed:

- A. Approval of Minutes – October 19, 2009 Regular Meeting Minutes
- B. Accounts Payable Check Register – November 3, 2009
- C. Payroll Check Register – October 30, 2009
- D. Payroll Transmittals – October 30, 2009
- E. Certificate of Appreciation – Gabe Campbell

The Mayor thanked Councilmember Gabe Campbell for his many years of service to the City and invited the audience to a small reception immediately following the meeting.

**V. Public Hearings**

None.

**VI. Reports**

The Manager reported that the draft website was available for review and asked Council to provide input before it goes online.

The Manager stated that Representative Stupak is seeking funding for a new Coast Guard cutter and that Charlevoix is being considered for its home port. The Manager asked Council if they want to advocate for a vessel in Charlevoix. The Manager discussed the potential impact on marina expansion and revenue. Council briefly discussed and generally agreed that having a Coast Guard cutter would be good for the entire community.

The Manager reported that a resident is seeking support for an abuse and assault workshop on November 13 [and 14] at the Charlevoix High School. The City would like to send some employees and Council members to the workshop. The Council had no objections.

**VII. Requests, Petitions and Communications and Actions Thereon**

**A. Expanded DeWitt Parking Lot Proposal**

DDA Director Keith Carey was available to present the item and answer questions for Council. In June of this year, Council authorized staff to continue plans to pave the DeWitt Parking lot located at 108 Park Avenue. The house was leased to the Charlevoix County Land Conservancy (CCLC) in 1999 with lease terms stipulating specific repairs be made. The CCLC has vacated the building, and the large majority of the repairs have not been made. Performance Engineers, Inc. has inspected the property and prepared an assessment report, included in the packet. Estimated costs to repair the property are significant. The Historic District Study Commission has requested that the DDA find an investor willing to take possession of the property in exchange for repairing the existing structure or rebuilding it in nineteenth century architecture. The DDA determined that it is unlikely such an investor will be found, and that the building ownership cannot be transferred for anything less than fair market value. The DDA recommends the City utilize Downtown Parking Fund (PI #16) monies to demolish and remove the structure at 108 Park Avenue and provide additional parking. Demolition, removal, and backfill of the area have been estimated at \$10,000.

Council discussed this topic at length. DDA Director Carey and Mayor Carlson both stated that, should an investor come forward, the DDA would absolutely reconsider this option. The Mayor opened the item to public comment.

Citizen Richard Clem asked if the parking lot would be metered or just for business. Mayor Carlson indicated that this determination has not yet been made.

Georgina Monk, President of the Charlevoix County Historic Society, feels that the building should be saved and believes that tourists come to Charlevoix in part for the historic feel, not the parking. Ms. Monk's recommendation is to postpone a decision and have a historic architect review the building and look for future uses.

Citizen Raechel Wright stated that the building, built almost 140 years ago, should be looked at for historic preservation. Ms. Wright shared some of the history of the building. This building gives Charlevoix charm and character.

The Mayor reiterated that the DDA, who owns the building, has looked at several uses. The funds are not available to make repairs. The Downtown Parking Fund (PI #16) can only be used for parking improvements; that is why the money was collected. Additionally, the DDA has attempted to sell the property, which legally must be sold at fair market value. The Mayor also stated that the DDA would continue to look at options, including selling the property.

City Planner Mike Spencer stated that Staff is requesting authorization to proceed with design plans, not to proceed with the demolition. Additionally, several business owners have asked him what kind of parking improvements have or will be made with the funds that have been collected over the years in Fund #16. The Planning Commission would also like to investigate various paving options to promote a positive ambiance and advanced storm water mitigation technologies.

Motion by Councilmember Gabe Campbell, seconded by Councilmember Lyle Gennett, to authorize staff to continue to pursue the possible expenditure of monies from the Downtown Parking Fund (PI #16) in order to demolish and remove the structure located at 108 Park Avenue and subsequently expand the Dewitt Parking Lot, ensuring adequate green space remains.

Yeas: Campbell, Cole, Gennett, Kusina, Picha and Stevens  
Nays: None

Absent: None

**B. Discussion on Nuisance Ordinance and Boats**

City Planner Mike Spencer was available to present the item and answer questions for Council. In summary, Judge May's decision on a case involving the City in September stated that he did not feel the language of our current ordinance was written in a way to legally support boats being considered junk, regardless of the condition of the boat. Staff has received complaints about "junk" boats being stored on properties within the City. City Planner Spencer is requesting guidance on whether Council feels the City should revise the Nuisance Ordinance to strengthen language and address specifics on the outside storage of boats, ATVs, and other recreational vehicles. Council briefly discussed what other communities are doing. City Planner Spencer pointed out that results of the community survey generally requested control of blight.

The Mayor requested that City Planner Spencer take a look at the ordinance and make recommendations.

**C. Consideration to Approve Mt. McSauba Service Contracts with Charlevoix and Hayes Townships**

Recreation Director Ike Boss was available to review the item and answer questions for Council. Director Boss has met with area township boards and has asked for donations to help cover costs of running the ski hill. Charlevoix and Hayes Townships have contributed to the ski hill for the 2009-2011 ski seasons. Norwood, Eveline, South Arm, and Marion Townships have decided not to participate this year.

Director Boss presented service contracts with Hayes and Charlevoix Townships for Council's approval. In consideration for their donations, Hayes and Charlevoix Township residents will receive City resident rates. At Council's request, Director Boss explained how staff would keep track of which rate should be charged.

Motion by Councilmember Dennis Kusina, seconded by Councilmember Shane Cole, to approve service contracts for funding Mt. McSauba with Hayes and Charlevoix Townships.

Yeas: Campbell, Cole, Gennett, Kusina, Picha and Stevens  
Nays: None  
Absent: None

**D. Consideration to Approve Contract with City Attorney**

City Manager Straebel was available to review the item and answer questions for Council. The current contract includes health care coverage, which is no longer available due to the limited number of hours that the attorney works. Staff recommends eliminating any reference to paid health insurance, eliminating the monthly retainer, and increasing Mr. Young's hourly rate. The City Attorney works for Council: any contract, language, and terms are up to Council's discretion. The presented contract is a proposal only.

Councilmember Stevens stated that he felt all references to the history of health insurance should be removed. The Council should not care what Mr. Young does with the additional \$10 in his hourly rate. While his inability to obtain insurance is part of the reason for the increase in hourly wage, it is not relative to the current contract and Mr. Stevens would like to keep the contract cleaner by removing this reference.

Motion by Councilmember Lyle Gennett, seconded by Councilmember Greg Stevens, to approve the agreement with [City Attorney] Jim Young for legal services as outlined on pages 39 - 43 with changes made to 8.c. as noted above.

Yeas: Campbell, Cole, Gennett, Kusina, Picha and Stevens  
Nays: None  
Absent: None

**VIII. Introduction and Initial Actions Relating to Ordinances or to Resolutions That Require Publication or Hearings Prior to Final or Further Action**

None.

**IX. Resolutions**

None.

**X. Ordinances**

None.

**XI. Miscellaneous Business**

Councilmember Jill Picha stated she has received a complaint about dog messes at both cemeteries. Councilmember Gennett suggested that mutt mitts be made available. The Manager will check into it.

Councilmember Gabe Campbell stated that the Street Department has done a good job on the leaves this year. He also noted that this has been his most enjoyable year on Council and that he appreciates Council and the Department Heads' hard work. The Mayor thanked Councilmember Campbell for his time and years of service.

**XII. Audience - Non-agenda Input (written requests take precedent)**

None.

**XIII. Closed Session**

Council decided to postpone the closed session until the December meeting, due to the reception following tonight's meeting.

**XIV. Adjourn**

The Mayor stated if there were no objections, the meeting would adjourn. There were no objections.  
Meeting adjourned at 8:13 p.m.

Carol A. Ochs

City Clerk

**Accounts Payable – 11/03/2009**

AIRGAS GREAT LAKES INC.	\$1,298.63	HYDRO DESIGNS INC.	\$900.00
ALL-PHASE ELECTRIC SUPPLY CO.	\$68.31	INDEPENDENT DRAFTING SERVICES	\$1,664.00
AMERICAN TOTAL SECURITY INC	\$168.00	INDUSTRIAL MARKETING	\$324.07
AMERICAN WASTE INC.	\$6,718.00	IVAN, PAUL	\$41.00
AMERICAN WATER WORKS ASSN	\$295.00	J & S PORTABLE RESTROOMS LLC	\$475.00
APOLLO FIRE APPARATUS REPAIR	\$700.02	JACK DOHENY SUPPLIES INC	\$352.03
ARAMARK	\$951.78	JIM'S RADIATOR SHOP	\$135.00
ARROW UNIFORM-TAYLOR L.L.C.	\$971.83	KEY CONTROLS ELECT SVCS INC.	\$321.00
AT&T LONG DISTANCE	\$73.82	KORTHASE FLINN	\$1,985.64
AT&T MOBILITY	\$310.87	KOTALIK, DARCY	\$585.00
BAILEY, MATT	\$347.90	KSS ENTERPRISES	\$346.93
BARUZZINI GENERAL CONTRACTORS	\$2,325.00	LAKESHORE TIRE & AUTO SERVICE	\$20.00
BEHAN WINDOW CLEANING	\$105.00	LAW ENFORCEMENT TARGETS	\$34.97
BELL EQUIPMENT COMPANY	\$7,160.00	MAGNUM ELECTRIC INC.	\$990.93
BELLAIRE DISTRICT FIRE DEPT	\$100.00	MAYER, SHELLEY	\$48.95
BIDDICK, JAN	\$3.31	MDC CONTRACTING LLC	\$60,636.17
BLARNEY CASTLE OIL CO	\$991.22	MICHIGAN MUNICIPAL LEAGUE	\$123,838.00
BOSS, DWIGHT	\$41.00	MICHIGAN MUNICIPAL LEAGUE	\$1,240.00
BRANDI, RICHARD	\$41.00	MICHIGAN PUBLIC POWER AGENCY	\$80,215.98
BROWN, STEPHANIE	\$310.75	MID STATES BOLT & SCREW CO	\$4.30
BULBS.COM	\$348.86	MIDWEST ARBORIST SUPPLIES	\$170.75
CALDWELL, JAMES	\$41.00	MOERLAND, HELEN	\$63.43
CAREY, KEITH	\$41.00	MUNICIPAL SUPPLY CO	\$8,520.19
CARRIER & GABLE INC.	\$212.00	NATIONAL CRIME PREVENTION	\$241.50
CASCADE SUBSCRIPTION SERVICE	\$76.00	NATIONAL SAFETY COUNCIL	\$305.00
CENTRAL DRUG STORE	\$35.39	NORTH AMERICAN SALT CO	\$17,635.43
CERTIFIED LABORATORIES	\$479.16	NORTHERN CREDIT BUREAU	\$8.00
CHARLEVOIX GLASS INC.	\$21.00	NORTHERN FIRE & SAFETY	\$83.00
CHARLEVOIX TOWNSHIP	\$10.50	NORTHWEST DESIGN GROUP	\$676.50
CHARTER COMMUNICATIONS	\$619.27	NORTHWEST HYDRAULICS & ENGRG.	\$850.00
CINTAS FIRST AID & SAFETY	\$33.50	ORBAN, BARBARA	\$11.18
DELL MARKETING L P	\$1,350.40	OTEC	\$34.60
DELTA DENTAL	\$4,017.79	PERFORMANCE ENGINEERS INC	\$12,805.62
DELTA VISION	\$494.68	PERSONAL GRAPHICS	\$393.04
DITCH WITCH SALES OF MICHIGAN	\$28.76	POLLUTION CONTROL SERVICES INC	\$600.00
DOAN, GERARD	\$41.00	POWER LINE SUPPLY	\$699.34
DONNER, LYNDA	\$41.00	POWERS, NANCY	\$12.24
DRENTH BROS INC	\$354.95	PRIORITY HEALTH	\$33,835.59
DTE ENERGY	\$2,739.26	QUILL CORP	\$199.99
E.H. WACHS COMPANY	\$51.86	R & R FIRE TRUCK REPAIR	\$2,406.38
EAST JORDAN IRON WORKS	\$2,555.00	REDLI'S PRINTER REPAIR	\$429.00
EATON, BRAD	\$10.06	SALES & MARKETING OF MICHIGAN	\$42.56
ED'S REPAIR & CREATIONS	\$165.00	SEARS COMMERCIAL ONE	\$317.49
ELLIOTT, PATRICK	\$41.00	SEELEY'S PRINTING SERVICE	\$151.40
EMMET BRICK & BLOCK	\$655.00	SHRIFT, PETER	\$30.00
EMMET COUNTY SHERIFF'S OFC	\$250.00	SITE PLANNING DEVELOPMENT INC	\$100.00
EVANS, HAL	\$41.00	SOUND ENVIRONMENTS	\$472.45
FAMILY FARM & HOME	\$70.93	SPARTAN DISTRIBUTORS INC	\$175.01
FASTENAL COMPANY	\$217.83	SPENCER, MICHAEL	\$41.00
FISHER SCIENTIFIC	\$911.63	STANDARD ELECTRIC CO	\$1,725.98
FLETCH'S	\$35.50	STANDARD INSURANCE CO	\$1,400.88
FORTH, CARLA	\$3.88	STATE OF MICHIGAN	\$726.00
GALMORE'S INC	\$226.18	STATE OF MICHIGAN	\$345.00
GRAINGER	\$427.50	STATE OF MICHIGAN	\$460.00
GREAT LAKES ENERGY	\$180.18	STRAEBEL, ROBERT J.	\$41.00
HACH COMPANY	\$235.14	SUPERIOR MECHANICAL	\$531.70
HANKINS, SCOTT	\$41.00	SWEM, DONALD	\$41.00
HARRELL'S	\$696.00	T & R ELECTRIC	\$4,322.00
HATTEN, MELISSA	\$52.81	TERMINAL SUPPLY CO	\$323.68
HD SUPPLY UTILITIES LTD	\$1,117.76	TRI-TURF	\$575.20
HEID, THOMAS	\$41.00	UP NORTH PROPERTY SERVICES LLC	\$2,772.00
HILLING, NICHOLAS	\$49.50	USA BLUE BOOK	\$339.99
HOLIDAY COMPANIES	\$5,007.75	VOSS LIGHTING	\$428.51
HYDE EQUIPMENT	\$270.74	WEINGARTZ	\$85.03

WILLCOME TREE SERVICE	\$13,400.00		
WORK & PLAY SHOP	\$508.30		
YOUNG GRAHAM	\$4,985.00	TOTAL	\$435,802.14
	<b>Accounts Payable – 11/03/2009</b>		
CHARLEVOIX COUNTY TREASURER	\$13,965.51	CITY OF CHARLEVOIX - TAXES DUE	\$16,420.56
CHARLEVOIX PUBLIC SCHOOLS	\$12,109.98		
CHARLEVOIX PUBLIC SCHOOLS	\$1,791.06		
CHARLEVOIX PUBLIC SCHOOLS	\$1,855.00	TOTAL	\$46,142.11

**PAYROLL: NET PAY**  
**Pay Period Ending 10/24/2009 – Paid 10/30/2009**

WELLER, LINDA JO	\$1,308.07	WILSON, RICHARD J.	\$1,219.96
STRAEBEL, ROBERT J.	\$1,975.45	SIEGMUND, CHRISTOPHER	\$655.29
BRANDI, RICHARD M.	\$1,630.36	BROWE, RAYMOND L.	\$558.14
LOY, EVELYN R.	\$933.48	MCGHEE, ROBERT R.	\$881.36
KLOOSTER, ALIDA K.	\$1,026.31	VANLOO, JOSEPH G.	\$552.34
BROWN, STEPHANIE C.	\$1,219.94	BOSS, DWIGHT M.	\$362.72
OCHS, CAROL A.	\$937.37	BENNETT, THOMAS A	\$420.91
HANCHIN, AMY	\$161.48	RAMSEY, KEITH M.	\$315.62
CAREY, KEITH V.	\$1,159.44	RILEY, ANDREW	\$164.87
SPENCER, MICHAEL D.	\$1,439.87	BUDDE, ELAINE J.	\$40.00
DONNER, LYNDIA	\$1,079.27	BUCKNER, DAVID D (LOST CHECK# 92109)	(\$318.01)
SPENCLEY, PATRICIA L.	\$1,023.99	SHRIFT, PETER R.	\$1,171.38
SOMERVILLE, COLLIN P.	\$369.40	HANKINS, SCOTT A.	\$1,392.14
BAILEY, MATTHEW L.	\$1,159.57	BINGHAM, LARRY E.	\$252.26
MASON, CHARLES F.	\$30.80	ROLOFF, ROBERT P.	\$2,549.53
UMULIS, MATTHEW T.	\$1,390.07	COPPOCK, TIMOTHY M.	\$1,269.18
DOAN, GERARD P.	\$1,669.61	WURST, RANDALL W.	\$1,157.64
METDEPENNINGEN, SARAH	\$1,198.00	MEIER III, CHARLES A.	\$916.58
ROBERTS, WESLEY S.	\$1,278.57	WHITLEY, JOHN F.	\$1,797.25
WARNER, JANINE M.	\$1,045.15	BLANCHARD, SCOTT W.	\$1,570.33
SCHLAPPI, JAMES L.	\$844.17	FRYE, EDWARD J.	\$1,040.34
ORBAN, BARBARA K.	\$970.36	SWEM, DONALD L.	\$1,668.23
IVAN, PAUL M.	\$1,656.75	ROTTA, RUSSELL	\$1,475.96
SCHWARTZFISHER, JOSEP	\$1,507.20	MORRISON, KEVIN P.	\$1,091.00
ROLOFF, ROBERT P.	\$1,208.35	HODGE, MICHAEL J.	\$1,111.71
BRODIN, WILLIAM C.	\$1,444.75	JOHNSON, STEVEN P.	\$1,164.04
CALDWELL, JAMES P.	\$1,287.80	JONES, ROBERT	\$1,253.00
MAYER, SHELLEY L.	\$1,356.78	BISHAW, JAMES H.	\$654.35
HILLING, NICHOLAS A.	\$994.29	DISHONG, AARON S.	\$735.28
JACOBS, DOUGLAS R.	\$1,815.88	ZIPP, DONALD R.	\$1,267.12
NISWANDER, JOSEPH F.	\$1,277.10	HOLM, ARTHUR R	\$881.03
WELLS JR., DONALD E.	\$1,423.51	HEID, THOMAS J	\$1,483.60
JONES, TERRI L.	\$891.39	KING, LYLE S	\$42.71
BRADLEY, KELLY R.	\$1,193.47	BOAL, DAVID W	\$1,124.94
EATON, BRAD A.	\$1,203.97	BUCKNER, DAVID D	\$318.01
WILSON, TIMOTHY J.	\$681.71		
ELLIOTT, PATRICK M.	\$1,556.70	TOTAL	\$75,591.19

**PAYROLL: TRANSMITTAL**  
**10/16/2009**

**EFTPS* Payroll Taxes	\$25,910.16	MI STATE DISTRICT UNIT	\$179.89
CHAR EM UNITED WAY	\$26.00	NORTHWESTERN BANK	\$75.00
CHARLEVOIX STATE BANK	\$83.00	PRIORITY HEALTH	\$103.82
COMMUNICATION WORKERS	\$485.82	STATE OF MICHIGAN	\$4,009.02
ICMA RETIREMENT TRUST 401	\$669.43		
ICMA RETIREMENT TRUST 457	\$6,193.54	TOTAL	\$37,735.68