

**CITY OF CHARLEVOIX**  
**REGULAR CITY COUNCIL MEETING MINUTES**  
**Monday, April 20, 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.  
Assistant City Attorney: Bryan Graham  
City Manager: Rob Straebel  
City Clerk: Carol A. Ochs  
Members Present: Council members Jill Picha, Greg Stevens, Gabe Campbell, Dennis Kusina  
Absent: Shane Cole, Lyle Gennett

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

The Mayor stated he would step down during the Alano Club development plan review because he is working on that project.

**IV. Consent Agenda**

The following items were approved and filed:

- A. Approval of Minutes – April 6, 2009 Regular Meeting Minutes.
- B. Accounts Payable Check Register – April 8, 2009
- C. Accounts Payable Check Register – April 16, 2009
- D. Accounts Payable Check Register – April 21, 2009
- E. Payroll Check Register – April 17, 2009
- F. Payroll Transmittal – April 17, 2009
- G. Purchase Order Report
- H. Mayor Proclamation – “Plant-a-Tree”

**MAYORAL PROCLAMATION**  
**PLANT-A-TREE WEEK**  
**APRIL 20-24, 2009**

WHEREAS, in 2008, the City designated “Plant-A-Tree Week” in April for its Arbor day activities promoting the many benefits of trees and how to care for them; and

WHEREAS, in 2008, the City again earned state and national recognition for its tree programs and has been certified “Tree City USA\*\*” for the eighteenth time; and

BE IT SO RESOLVED THAT THE MAYOR OF THE CITY OF CHARLEVOIX, hereby declares the week of April 20<sup>th</sup> thru the 24<sup>th</sup>, 2009 as “Plant-A-Tree Week” in observance and in celebration of National Arbor Day and in recognition of the City’s continuing certification as a Tree City USA; and

BE IT FURTHER RESOLVED, that again this year the City shall make trees available for planting on streetside and other public sites. Property owners, who have suitable sites for trees in front of their properties, should place their request for City trees by calling the City Manager’s office at 547-3270; and

BE IT FUTURE RESOLVED, that, again this year, residents are encouraged to protect the young City trees adjoining their properties and from June to September, add water during dry periods.

Norman L. Carlson, Jr. Mayor  
City of Charlevoix April 20, 2009

\*Tree City USA is a nationwide awards program sponsored by the Arbor Day Foundation, supported by the USDA Forestry Service and the National Association of State Foresters including our own Michigan foresters.

**V. Public Hearings**

None.

**VI. Reports**

- A. The Manager reminded Council of the Michigan Municipal League regional education seminar, which is May 29 in Mackinaw City. The City is entered in the preliminary race for the MML Cup at the regional meeting with its entry of the East Park Marina project.
- B. The Manager also reminded Council of the Road Assessment Management class on Monday, April 27 at the Boyne City City Hall.

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

- A. Alano Club Development Plan Review, Case #09-02DP  
Mayor Carlson vacated the Chair and stepped down from the dais. Deputy Mayor Jill Picha assumed the Chair. City Planner Mike Spencer reviewed the plan and the development plan review process for Council.

The Planning Commission approved this development plan after a public meeting held on April 13, 2009 without conditions. The applicant, the Charlevoix Alano Club, is requesting to construct a small addition (roughly 28X28) onto an existing structure located at 106 Mason Street in the City of Charlevoix. The current Zoning Ordinance requires development plan review for any new construction within this zone. This property is within the Central Business District (CBD) and the previous building was removed during the summer of 2008 due to structural problems. The property was donated to the Club and historically has had two on-site parking spaces. Since the applicant removed the structure, legally the grandfathered use (parking in this case) could not be carried over to the new project. This was verified with the City Attorney. Due to the small lot size, the applicant could not meet the parking requirements and subsequently applied for and received a variance on March 11, 2009. At this point the applicant is required to provide one onsite parking space that is handicapped accessible. Norman L. "Boogie" Carlson, Jr. of Carlson's Home Improvements reviewed construction aspects of the project.

Motion by Councilmember Dennis Kusina, second by Councilmember Gabe Campbell, that based on the evidence compiled by the City Planning Commission at its public meeting on April 13, 2009, and based on the findings of fact made by the City Planning Commission included herein, which the City Council adopts as its own, Project 09-02DP which will be located at 106 Mason is hereby approved without conditions:

Findings of Fact:

(2) Approval shall be based upon:

- (a) Compliance with the site related requirements of the zoning district in which the land use is located as well as all other site related requirements of this zoning ordinance which apply to the land use.  
*The Planning Commission finds the Alano Club Development Plan Application does comply with the site related requirements of the CBD zoning designation and all other site related requirements of this zoning ordinance. This parcel is within the CBD and Section 5.92 (9) allows private clubs within that zone district. The plans meet all setback, area and height requirements. All other minimum standards included in Article V General Provisions have been met. The applicant has received a variance from the parking requirements outlined in Article VI, therefore the parking standards have been met.*
- (b) Compliance with requirements of the City of Charlevoix for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services.  
*The Planning Commission finds the Alano Club Development Plan Application does comply with the requirements of the City of Charlevoix for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services. This proposal was discussed at two meetings on February 23 and March 30, 2009 with all department heads and it was the professional opinion of each department head that the proposal complied with the requirements or capacities of their area of responsibility. This includes the professional opinion of the Department of Public Works that the existing water and sewer lines have the capacity to accommodate this use.*
- (c) Compliance with the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.  
*The Planning Commission finds the Alano Club Development Plan Application does not require approval from other State or Federal Agencies. The Alano Club must obtain building permits from the Charlevoix County Department of Building and Safety prior to starting construction. The Planning Commission finds this standard has been met.*
- (d) The creation of no unsafe condition including, but not limited to pedestrian, vehicle, and emergency access.  
*The Planning Commission finds the Alano Club Development Plan Application does not create unsafe conditions for pedestrian, vehicle, and emergency access. The City of Charlevoix Police Chief and Fire Chief did not have any concerns or specific recommendations regarding pedestrian, vehicle, and emergency access. The approved variance does require vehicular ingress and egress to the required parking space to be forward, versus backing out over the sidewalk and into the street where it is more difficult to see pedestrians and other vehicles. This requirement creates a safer design for pedestrian and vehicular access. The Planning Commission finds that this standard has been met.*
- (e) Compatibility of proposed landscaping, grading, and filling with adjoining property and land uses.  
*The Planning Commission finds that landscaping, grading, and filling in the Alano Club Development Plan Application is compatible with adjoining property and land uses. This parcel is a flat piece of land with minimal sloping. The approved variance from the parking requirements creates a larger area for green space and landscaping that will absorb runoff. The new addition is much smaller in area than the previous building that was torn down, therefore grading and filling will not affect adjoining property and land uses. This landscaping plan will provide much needed green space in a developed area where building footprints and parking creates a large amount of impervious surface. The Alano Club is intending to utilize the existing curb cuts to minimize construction impacts and potential drainage problems which will not create any adverse impacts to adjoining properties and existing land uses. The Zoning Administrator waived the requirement for a storm, surface, and subsurface drainage control plan (5.188(3)(d)(11) due to these site conditions and minor building additions. The Planning Commission finds that this standard has been met.*

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

The Deputy Mayor vacated the Chair. The Mayor returned to the dais and assumed the Chair.

B. Consideration of Contract with Bay Area Substance Education Services, Inc. (B.A.S.E.S)

The Mayor reviewed the annual contract with the City for B.A.S.E.S. to provide education and early intervention services to young people and their families in northwest Lower Michigan.

Motion by Councilmember Jill Picha, seconded by Councilmember Greg Stevens, to approve the contract with B.A.S.E.S. and directing the Mayor to sign the agreement.

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

C. Update from Shade Tree Commission

Shade Tree Commissioner Dave Robinson thanked the Council and staff for support. Mr. Robinson reviewed the City's actions that again have earned it the Tree City U.S.A. designation. No action required.

D. Request to Waive Docking Fees for Tall Ship Denis Sullivan

Gary Stutzman of Seaports Great Lakes was available to address the item and answer questions for Council.

Motion by Councilmember Greg Stevens, seconded by Councilmember Dennis Kusina, to waive the docking fees for the tall ship Denis Sullivan from May 27-June 1, 2009.

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

E. Discussion Regarding Potential Establishment of a Recreational Authority

Recreation Director Ike Boss reviewed his proposal to form an exploratory committee with the surrounding townships to form a Recreation Authority, which would bring forth a ballot proposal for a nominal mill levy to cover expenses at Mt. McSauba. The Attorney stated that his firm has extensive experience with the formation of authorities. The Mayor would like to meet with the Manager, the Attorney and Mr. Boss and discuss the approach to the townships. Council generally agreed to explore the formation of a recreation authority. The Mayor will work toward forming an exploratory committee.

F. Fire Department Contractual Rates with Surrounding Townships

Fire Chief Paul Ivan reviewed his report on fire contractual rates [p. 43 of the packet], which have fallen behind, even though the millage rates have remained the same. The report breaks down the call averages over a two year period by jurisdiction using statistics provided by Central Dispatch. The report also includes a cost analysis based on those calls and compares the difference between the current .4 mil rate and a proposed millage increase for each township to more closely match the costs associated with the number of calls. Staff's recommendation regarding fire rates is to raise the contractual rates to the comparable rate of .65 mils.

Motion by Councilmember Jill Picha, seconded by Councilmember Gabe Campbell, to enter into negotiations [for contractual fire services] with the surrounding townships using a millage based formula to determine a contractual cost.

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

G. EMS Contractual Rates with Surrounding Townships

Fire Chief Paul Ivan reviewed his report, which breaks down the call averages over a two year period by jurisdiction using statistics provided by Central Dispatch. The current contracts are millage-based. Medical costs have skyrocketed. The goal is to offset the difference between what it costs to run the department and the money that is being brought in through the billing for individual EMS runs, so that it doesn't cost the City a disproportionate amount for running the service. Staff proposes moving to a rate based on call volume. Council expressed concerns about Charlevoix Township being disproportionately billed for calls to Charlevoix Area Hospital and Boulder Park Terrace. The Chief explained that this would be a place to start negotiations, and that nothing would be set in stone at this point. The goal is to split the costs as equitably as possible between all the entities.

Motion by Councilmember Gabe Campbell, seconded by Councilmember Jill Picha, to enter into negotiations with the surrounding townships using call volume rather than millage rates as a formula used to determine the contractual fee for EMS services.

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

H. Consideration to Approve Contract for Fiber Optic Connections to City Buildings

The Manager reviewed the contract, with a minor revision to section 3.2 regarding completion dates from "complete within 45 days of the contractor receiving the approved permit" to "complete within 50 days of the date of the approved permit."

Motion by Councilmember Dennis Kusina, seconded by Councilmember Greg Stevens, to approve contract with AmComm Telecommunications, Inc., with revisions as noted by City Attorney Jim Young.

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

I. Consideration to Award Bid for Restroom Cleaning

The Mayor reviewed the item. The only bid received was from the company that contracted for those services last year.

Motion by Councilmember Jill Picha, seconded by Councilmember Greg Stevens, to accept the bid from Up North Properties LLC as presented and enter into an agreement for restroom cleaning for the 2009 season.

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

J. Appointments

Motion by Councilmember Gabe Campbell, seconded by Councilmember Jill Picha, to confirm the Mayor's reappointment of John Taylor and Dan Barron and appointment of Gina Whitney to the DDA.

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

Motion by Councilmember Dennis Kusina, seconded by Councilmember Greg Stevens, to confirm the Mayor's appointment of John Campbell to the Shade Tree Commission.

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

Motion by Councilmember Greg Stevens, seconded by Councilmember Jill Picha, to confirm the Mayor's appointment of Jim Jinsky to the Housing Commission.

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

Motion by Councilmember Gabe Campbell, seconded by Councilmember Jill Picha, to confirm the Mayor's reappointment of Mary Lee Campbell to the Housing Commission.

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

Motion by Councilmember Jill Picha, seconded by Councilmember Gabe Campbell, to confirm the Mayor's reappointment of Dan Buday, Bryan Vollmer, and Judy Clock to the Planning Commission.

Yeas: Picha, Stevens, Campbell, Kusina

Nays: None  
 Absent: Cole, Gennett

**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 inquired about a house that has a hose running to it from a fire hydrant. Fire Chief Paul Ivan explained that a water main had collapsed, and the Water Department is waiting for the frost to go out of the ground to repair it.

Ms. Picha stated that she would like an advance viewing of the video presentation for the MML Race for the Cup once it is complete.

Ms. Picha asked if the trout stream is on schedule. It is.

The Mayor stated he needs a member of Council to serve on airport committee. Councilmember Jill Picha volunteered to serve on the committee.

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

None.

**XIII. Adjourn**

The Mayor stated if there were no objections, the meeting would adjourn.

There were no objections.

Meeting adjourned at 8:10 p.m.

Carol A. Ochs	City Clerk	Norman L. Carlson, Jr.	Mayor
<b>Accounts Payable – 04/08/2009</b>			
AT&T Mobility.....	311.21	State of Michigan .....	17,661.69
Charter Communications.....	487.56	USA Mobility Wireless Inc.....	674.16
City Treasurer-City Utilities .....	26,281.77		
Ferguson & Chamberlain Assoc.....	3,200.00		
Mich Mun League-Unemploy Comp.....	27,960.87	TOTAL.....	76,577.26
<b>Accounts Payable – 04/16/2009</b>			
AT&T .....	2,449.30	Michigan Public Power Agency .....	179,466.86
Bjorne, Chief Jim.....	30.00		
Charter Communications.....	5.00		
Falcon Ins Agcy – Houston Inc.....	3,000.00	TOTAL.....	184,951.16
<b>Accounts Payable – 04/21/2009</b>			
Ace Hardware .....	1,224.68	Charlevoix Carwash.....	45.90
Airgas Great Lakes Inc .....	467.47	Charlevoix Screen Masters Inc.....	120.00
American Waste Inc.....	3,938.45	Charlevoix State Bank .....	2,014.70
Arrow Uniform – Taylor LLC.....	947.98	City Treasurer-Petty Cash .....	423.39
Auto Value .....	237.09	Delta Dental .....	2,955.31
B & L Sound Inc.....	199.86	Ditch Witch Sales of Michigan .....	1,880.00
Bailey, Matt .....	78.00	East Jordan Iron Works .....	646.13
Ballard's Plumbing & Heating.....	360.72	Eaton, Brad .....	18.91
Blarney Castle Wholesale .....	248.53	Emergency Medical Products Inc.....	136.89
Bob Mathers Ford .....	117.56	Fastenal Company.....	18.62
Bosman's Mercantile .....	24.77	Fisher Scientific.....	290.20
Bradford's.....	99.00	Fletch's.....	58.08
Void – Brown Motors .....	0.00	Fox Charlevoix .....	123.69
Carquest of Charlevoix .....	1,249.80	Friske, Joyce .....	5.69
Central Drug Store.....	114.60	Government Finance .....	160.00

Great Lakes Environmental .....	400.00	Northern Michigan Review Inc.....	773.36
Great Lakes Pipe & Supply .....	841.47	Oleson's Food Stores .....	89.13
Griffin Beverage Co .....	373.09	Plunkett & Cooney .....	1,680.00
Harbor Health & Fitness .....	312.00	Pollution Control Services Inc.....	600.00
Health Dept of NW Michigan .....	580.00	Power Line Supply .....	2,414.97
Hyde Equipment .....	62.35	Pro-Build .....	11.96
Hydro Designs Inc.....	1,290.00	Rehmann-Robson & Co .....	688.75
Independent Drafting Services .....	672.00	Reliable Office Supplies.....	94.85
Island Airways .....	1,612.46	Site Planning Development Inc .....	33,265.80
Kiwanis Club of Charlevoix .....	74.00	Spartan Stores LLC .....	40.38
Klooster, Alida K .....	45.43	Spencer, Michael .....	51.51
Korthase Flinn .....	44.04	Standard Electric Co .....	953.90
KSS Enterprises – Petoskey .....	720.10	State of Michigan .....	14.17
Lakeshore Tire .....	446.50	State of Michigan .....	108.00
Loy, Evelyn.....	15.55	Systems Specialists Inc.....	498.75
MRPA .....	95.00	T & R Electric .....	5,044.00
Mama T's Cleaning.....	615.00	United Mankind Communications.....	100.00
Mark Buday Architect PLLC .....	4,930.32	USA Blue Book .....	342.77
McMaster-Carr .....	35.01	Van's Business Machines.....	106.83
Michigan Municipal League.....	100.00	Village Graphics Inc.....	589.00
Michigan Officeways Inc .....	619.00	Winder Police Equipment .....	37.04
Michigan Police Equipment Co .....	125.00	Work & Play Shop.....	40.00
Michigan Water Env Assoc.....	255.00	Zoll Medical Corporation.....	1,646.21
Miss Dig System Inc .....	56.83	Brown Equipment Co Inc.....	167.26
MSU Extension .....	122.50		
N M A C P .....	50.00		
Northern Credit Bureau .....	717.40	TOTAL.....	82,774.71

**PAYROLL: NET PAY**

**Pay Period Ending 04/11/2009 – Paid 04/17/2009**

Weller, Linda Jo .....	1,373.87	Silva, Jesse L .....	13.20
Straebel, Robert J .....	1,959.52	O'Connor, Bruce E.....	187.00
Przybylski, Judy D .....	999.64	Riley, Andrew .....	1,174.36
Brandi, Richard M .....	1,625.32	Meggison, Jerry B .....	180.08
Loy, Evelyn R .....	919.40	Roloff, Audrey M .....	258.81
Klooster, Alida K .....	1,279.53	Lalewicz, Amelia .....	139.46
Brown, Stephanie .....	1,001.71	Shrift, Peter R.....	1,319.23
Ochs, Carol A .....	994.13	Hankins, Scott A .....	1,765.92
Hanchin, Amy.....	136.54	Pettis, James L.....	116.14
Carey, Keith V.....	1,155.78	Coppock, Timothy M .....	1,183.49
Spencer, Michael D .....	1,436.08	Wurst, Randall W .....	1,102.36
Donner, Lynda .....	1,035.03	Meier III, Charles A .....	1,409.47
Bailey, Matthew L .....	1,039.73	Whitley, John F .....	1,781.93
Umulis, Matthew T .....	1,501.38	Blanchard, Scott W .....	1,528.90
Doan, Gerard P .....	1,839.31	Frye, Edward J .....	992.86
Metdepenningen, Sara .....	1,326.92	Swem, Donald L .....	1,770.02
Evans, Erin A .....	1,233.74	Rotta, Russell.....	1,472.86
Warner, Janine M.....	1,042.28	Morrison, Kevin P.....	1,068.38
Schlappi, James L.....	942.39	Hodge, Michael J .....	1,095.64
Ivan, Paul M .....	1,616.20	Johnson, Steven P.....	1,134.28
Schwartzfisher, Joseph.....	1,217.26	Jones, Robert.....	1,237.92
Roloff, Robert P .....	3,066.11	Zipp, Donald R.....	1,386.82
Brodin, William C .....	1,590.79	Holm Arthur R .....	812.22
Caldwell, James P .....	1,427.45	Heid, Thomas J.....	1,616.67
Mayer, Shelley L .....	1,326.11	Boal, David W .....	466.21
Hilling, Nicholas A .....	1,034.68	Hand, Rebecca J .....	507.40
Jacobs, Douglas R.....	2,181.86	Marsh Jr., James D.....	34.63
Niswander, Joseph F .....	1,443.23	Buckner, David D .....	549.22
Wells Jr., Donald E .....	1,205.83	Travers, Manuel J .....	138.60
Jones, Terri L .....	919.23	Scott, Winfield .....	145.20
Bradley, Kelly R .....	1,413.61	Barrett, Scott T.....	682.40
Eaton, Brad A .....	961.00	Riley, Jeffery C .....	175.61
Wilson, Timothy J.....	1,223.82	Bergmann, Douglas M.....	11.43
Elliott, Patrick .....	1,601.86	MacDonald, Brian K.....	526.71
Wilson, Richard J.....	1,126.21		
Boss, Dwight M .....	362.72	TOTAL.....	75,110.02
Bennett, Thomas A .....	564.32		

**PAYROLL: TRANSMITTAL**

04/17/2009

American Family Life .....	34.60	MI State District Unit .....	179.89
Char Em United Way .....	26.00	Priority Health .....	539.56
Communication Workers of Amer .....	491.36	State of Michigan .....	3,997.24
ICMA Retire Trust 457-300959 .....	6,048.63		
ICMA-401 .....	669.43	TOTAL .....	11,986.71