

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, July 6, 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: Stephanie C. Brown, Deputy Clerk
Members Present: Council members Dennis Kusina, Jill Picha, Greg Stevens, Gabe Campbell, Shane Cole, and Lyle Gennett
Absent: None.

III. Inquiry Regarding Possible Conflicts of Interest

None.

IV. Consent Agenda

The following items were approved and filed.

- A. Approval of Minutes – June 15, 2009 Regular Meeting Minutes
- B. Accounts Payable Check Register – June 17, 2009
- C. Accounts Payable Check Register – June 29, 2009
- D. Accounts Payable Check Register – July 7, 2009
- E. Payroll Check Register – June 26, 2009
- F. Payroll Transmittal Check Register – June 26, 2009

V. Public Hearings

None.

VI. Reports

- A. The Manager reminded Council of the East Park dedication and ice cream social scheduled for Tuesday, July 7, at 7:00 p.m. and of the Earl Young Historic District Education Forum/Public Hearing on Wednesday, July 8, at 7:00 p.m.

VII. Requests, Petitions and Communications and Actions Thereon

- A. Consideration to Approve Various Venetian Items
Venetian Committee Chair Dan Barron presented this item and answered questions for Council.

Mr. Barron noted that the Venetian Festival is starting one day early with an event called the *Beach Bash*. This addition is not costing the festival any more money, as it is fully funded. Mr. Barron confirmed for Council that the size of the tiki tent has not changed and explained the difference between a beer tent and Venetian's tiki tent. Fire Chief Paul Ivan confirmed that he has reviewed the Venetian packet and finds it satisfactory.

Citizen Lawrence Bergmann complained that the tiki tent is inappropriate for a family event.

Motion by Councilmember Picha, second by Councilmember Stevens, to direct the City Clerk to sign the 2009 Venetian Festival Fireworks Permit as outlined on pp. 21-30 [of the agenda packet].

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

Motion by Councilmember Cole, second by Councilmember Stevens, to approve the Mayor to sign the [Venetian Festival] Hold Harmless Agreement with the City as outlined on p. 31 of the [agenda] packet.

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

Motion by Councilmember Picha, second by Councilmember Stevens, to approve the Venetian Festival contract regarding the City of Charlevoix's \$15,000 donation as outlined on p. 32 of the packet with the Mayor to sign [the contract].

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

B. Discussion Regarding Funding Little Traverse Bay Weather Monitoring Buoy

Jim Bartlett of the Harbor Springs Harbor Commission reviewed the item and answered questions for Council. The Harbor Commission would like City Council to consider funding assistance for a weather/water quality data collection buoy that will be located in Little Traverse Bay and listed several other area entities that are financially supporting the buoy. This buoy would provide real-time weather information to boaters and other interested parties and funding would come from the Marina fund.

Motion by Councilmember Campbell, second by Councilmember Kusina, to fund the [buoy] project this year at up to \$1,500, which would come from the Marina fund.

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

C. Request from SeaPorts Great Lakes to Dock Friendship Sloop Liberty at City Marina

Tim Boyko of SeaPorts Great Lakes read a statement from SeaPorts Great Lakes and was available to review the item and answer questions from Council. Mayor Carlson reported that the agreement with the Department of Natural Resources (DNR) and Waterways Commission does not allow the City to waive dockage and we are limited to their approved rates. Additionally, we have a limited number of seasonal spaces and already have a commercial enterprise operating from the marina that pays the City for the ability to operate out of the marina. Mr. Boyko feels that the Friendship Sloop Liberty is not competition to Sunshine Charters, as it is a different type of operation. Mr. Boyko also stated that, as an educational venture, the DNR may make an exception to its policies. City Manager Straebel stated that the City should be responsible for contacting the DNR and asked for guidance on dockage fees. Mr. Boyko asked that the City consider SeaPorts' mission when setting rates. The Mayor reiterated that our rates are set by the DNR and cannot be waived. Council directed the City Manager to find out if there were rates specific to an educational venture set by the DNR.

D. Consideration to Approve Airport Terminal Renovation and Expansion Program

Architect Mark Buday gave a Power Point presentation for the CVX Terminal Renovation and Expansion Program and was available to answer questions for Council. The Program will allow the architect to start the design process.

Student Lisa Baker asked about the purpose of the renovation and was informed that the airport will better accommodate the needs of the current and potential users and that, due to the size of the property and runways, this airport will never be able to compete with Traverse City or Pellston with commuter flights.

Motion by Councilmember Gennett, second by Councilmember Picha, to approve the Charlevoix Terminal Renovation and Expansion Program.

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

E. Consideration to Install Large Flagpole

Citizen John Winn presented the item and answered questions for Council. This flagpole, originally from Big Rock Point, was offered first to the VFW, then to the City of Charlevoix, and when Charlevoix did not pick up the flagpole it was given to Petoskey. The 70' flagpole was returned to Charlevoix at the City's request and has not yet been installed. There are costs involved in installing the pole. Mr. Winn suggested that if the Council would approve positioning the flag and pole at the Submariners Memorial and decided at a later date that it was inappropriately proportioned there, he would pay to have it removed.

Council strongly suggested that the base be engineered. Mr. Winn reported that engineering is standard.

Charles Butcher of the VFW gave a history of the flagpole at Veteran's Park and the Submariners Memorial. Mr. Butcher stated that if Council decided not to use the flagpole that the VFW would like to have it for their new hall.

Council member Campbell suggested that the City's budget is too tight; it would be irresponsible to spend the funds at this point of financial insecurity and the flag should go to the VFW.

Councilmember Kusina asked Mr. Winn if he would contact Jim Malewicz of Performance Engineering and H&D for concrete and see if donations were possible to have the flag installed in East Park.

The Mayor suggested that Council direct the City Manager to contact a representative of the Submariner's Memorial to determine whether they would like the flagpole located at that memorial and to contact Jim Malewicz of Performance Engineering since the ground structure is unique and get a professional opinion on possibilities and cost.

Motion by Councilmember Gennett, second by Councilmember Stevens, to table the discussion regarding the installation of the large flagpole [at the Submariner's Memorial] until the next meeting.

Yeas: Kusina, Picha, Stevens, Campbell, Cole, Gennett

Nays: None

Absent: None

F. Update on Way-Finding Kiosks

The Mayor presented the item and reviewed options for the audience.

Chamber Director Erin Bemis asked Council to consider no heading on the kiosk as it is already very high. Council discussed at length the height of the kiosk and other options. The Mayor directed the City Manager to get costs on options 3, 2, and 1, preferred by Council in that order.

G. Discussion on Hours of Operation for Interactive Water Fountain

Council member Picha strongly recommends that the interactive fountain be open longer and stated that it should take no more than 30 minutes to switch from interactive to display mode. Council discussed options at length.

Motion by Councilmember Campbell, second by Councilmember Picha, to set the interactive water fountain hours at 10 a.m. to 7:30 p.m. with no change to the off times or the display mode times.

Yeas: Kusina, Picha, Stevens, Campbell, Cole, Gennett

Nays: None

Absent: None

H. Review of Safety Measures for Trout Stream

City Manager Straebel reviewed the item and answered questions for Council. The Manager recommended that the signs that have been ordered and warn of hazards be installed and monitor the situation over the summer and fall. If it is determined that there are still significant safety hazards additional measures will be taken. Council generally agreed with Mr. Straebel's recommendation and directed him to place the signs and monitor the situation.

I. Update on Energy Optimization Plan Implementation

Electric Department Superintendent Don Swem presented the item and answered questions for Council. The Energy Optimization Plan has been approved and needs to be implemented, which includes charging customers .00115 cents per kWh effective immediately. This will amount to approximately 58 cents per month for the average residential customer. The funds must be used to save customers money by offering rebates on energy efficient appliances, light bulbs, and other related programs. Franklin Energy Services out of Wisconsin has been chosen as the implementation contractor. They have been hired by several other energy providers to help provide a seamless program throughout the state.

Council suggested an educational forum to ensure that customers are aware of the energy savings options that are available through this program.

Because these expenditures were approved by Council two months ago with the approval of the Energy Optimization Plan, no action is necessary.

J. Cross Connection Program Contract

Electric Department Superintendent Don Swem presented the item and answered questions for Council. The Cross Connection program is the state-mandated inspection program for the public water systems to ensure a safe water supply. Hydro Designs, the current contractor for this work, has provided a proposal which reflects a reduction in charges due to their experience and completion of the initial set up work. No other qualified bidders were interested in the project.

Motion by Councilmember Cole, second by Councilmember Gennett, to approve the contract with Hydro Designs Incorporated over the next three years for \$32,400 as outlined on pp. 64-75 [of the agenda packet].

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

K. Michigan Municipal League Worker's Compensation Fund Board of Trustees Election

Mayor Carlson presented the item. Larry Nielsen from the Village of Paw Paw is the only individual listed on the ballot. The City has the option of casting a write-in vote.

Motion by Councilmember Stevens, second by Councilmember Kusina, to approve the City of Charlevoix's vote to be cast for the trustee as written on the official ballot.

Yeas: Kusina, Picha, Stevens, Campbell, Cole, Gennett
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

Council member Picha noted that there is nothing on the Chamber's website or the City's website regarding the newly renovated East Park and that there are no pictures on those websites. City Manager Straebel stated that the City's website is undergoing renovation and that pictures of the Park could be included on the website.

Council member Stevens reported some complaints about dogs at Ferry Beach, that some dogs were not leashed and some dogs were not cleaned up after. There are signs and dog mitts at the beach. Additionally, Bill Supernaw inquired about the status of the utility pole in front of the cinema; he was told two years ago that it would be removed. City Manager Straebel is working on this issue with AT&T and the cable company.

Council member Stevens also complimented the Taste of Charlevoix group on the success of their event.

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

Citizen Bob Timms stated that SeaPorts Friendship Sloop *Liberty* may find a location at the seawall acceptable. Manager Straebel reported that the seawall does not fall under the DNR's agreement with the City. The Mayor reminded Council that there is still a concern about competing with an existing charter sail business and that we have never offered a spot on the seawall to anyone on the waiting list for a seasonal dock.

XIII. Closed Session

Communication Workers of America (CWA) Union Negotiations

Motion by Councilmember Campbell, second by Councilmember Stevens, to enter into closed session to discuss collective bargaining negotiations with the CWA.

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

Council went into closed session at 9:25 p.m.
Council reconvened in open session at 9:34 p.m.

XIV. Open Session

Communication Workers of America (CWA) Contract

Motion by Councilmember Picha, second by Councilmember Cole, to authorize the Mayor to sign the Communication Worker's of America union contract as negotiated by the City.

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

XV. Adjourn

The Mayor stated if there were no objections, the meeting would adjourn.
There were no objections.
Meeting adjourned at 9:36 p.m.

Stephanie C. Brown City Clerk

Norman L. Carlson, Jr. Mayor

Carol A. Ochs City Clerk