

**APRIL 12, 2016
REGULAR MEETING**

RECORD OF THE PROCEEDINGS OF THE REGULAR BOYNE CITY COMMISSION MEETING DULY CALLED AND HELD AT BOYNE CITY HALL, 364 NORTH LAKE STREET, ON TUESDAY APRIL 12, 2016

CALL TO ORDER

Mayor Neidhamer called the meeting to order at 7:04 p.m. followed by the Pledge of Allegiance.

Present: Mayor Tom Neidhamer, Mayor Pro-Tem Gene Towne, Commissioners Ron Grunch and Hugh Conklin

Absent: Commissioner Laura Sansom

Staff: Cindy Grice, Michael Cain, Kevin Spate, Jeff Gaither, Scott McPherson, Mark Fowler and Lori Meeder

Others: There were 5 citizens in attendance including representatives from the Petoskey News Review, Boyne Gazette and Charlevoix County News.

Excuse Commissioner Sansom

2016-04-043
Moved by Neidhamer
Second by Towne

To excuse Commissioner Sansom from attending today's meeting.

Ayes: 4
Nays: 0
Absent: 1, Commissioner Sansom
Motion carried

**CONSENT AGENDA
MOTION**

2016-04-044
Moved by Towne
Second by Grunch

2016-04-044A
Approval of the March 7, 2016 City Commission Work Session meeting minutes as presented
2016-04-044B
Approval of the March 22, 2016 City Commission Budget Work Session meeting minutes as presented
2016-04-044C
Approval of the March 29, 2016 City Commission regular meeting minutes as presented

Ayes: 4
Nays: 0
Absent: 1, Commissioner Sansom
Motion carried

CITIZENS COMMENTS

None

CORRESPONDENCE

None

CITY MANAGERS REPORT

City Manager Cain reported:

- Welcomed everyone to the temporary home of City Hall. Staff did an amazing job with the move and setting the offices up.
- Main Street Program Director Lori Meeder announced that over \$25,000 was raised local to match the \$25,000 grant from the State of Michigan for the Last Riverdraw crowd funding campaign. Bob White, the great nephew of William H. White was one of the final contributors. We ended up receiving \$29,500. The goal was met and exceeded. Lori gave special thanks to Lindsay Regan, who worked very hard on fundraising for this project. Lindsay passed away last week.

MOMENT OF SILENCE

Mayor Neidhamer requested a moment of silence be observed for Lindsay Regan.

**REPORTS OF OFFICERS,
BOARDS AND STANDING
COMMITTEES**

Draft Minutes of the March 1, 2016, Zoning Board of Appeals Meeting; draft minutes of the March 3, 2016 Main Street Meeting; draft minutes of the March 3, 2016 Airport Advisory Board Meeting; draft minutes of the March 10, 2016 Parks & Recreation Board Meeting; draft minutes of the March 21, 2016 Historical Commission Meeting and draft minutes of the March 24, 2016 Airport Advisory Board Meeting were received and filed.

**Public Hearing – Proposed
FYE 2017 Budget**

Mayor Neidhamer opened a Public Hearing at 7:14 p.m. to hear Citizen comments regarding the General Appropriations for the FYE 2017 Budget as required by statutory regulations.

City Manager Cain summarized the budget. No significant changes to City operations are being proposed other than the City Facilities Construction. There will be no significant staff changes.

There was no public comment.

Mayor Neidhamer closed the Public Hearing at 7:17 p.m.

**Millage Rate Resolution –
General Operating**

Consideration to adopt the Resolution to Establish a General Operating Millage Rate of 15.51 for the City of Boyne City FY 2016/2017

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement.

MOTION

2016-04-045

Moved by Grunch

Second by Towne

To approve to adopt the Resolution to Establish a General Operating Millage Rate of 15.51 for the City of Boyne City FY 2016/2017

Ayes: 4

Nays: 0

Absent: 1, Commissioner Sansom

Motion carried

**Millage Rate Resolution –
City Facilities Debt Service**

Consideration to adopt the Resolution to Establish a City Facilities Debt Service Millage Rate of 1.32 for the City of Boyne City FY 2016/2017

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement.

MOTION

2016-04-046
Moved by Towne
Second by Conklin

To approve to adopt the Resolution to Establish a City Facilities Debt Service Millage Rate of 1.32 for the City of Boyne City FY 2016/2017

Ayes: 4
Nays: 0
Absent: 1, Commissioner Sansom
Motion carried

**General Appropriations
Act Resolution**

Consideration to adopt the General Appropriations Act for FY 2016/2017 Resolution

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement.

MOTION

2016-04-047
Moved by Conklin
Second by Grunch

To approve to adopt the General Appropriations Act for FY 2016/2017 Resolution

Ayes: 4
Nays: 0
Absent: 1, Commissioner Sansom
Motion carried

Fee Schedule Resolution

Consideration to adopt Fee Schedule for FY 2016/2017 Resolution

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement.

MOTION

2016-04-048
Moved by Grunch
Second by Towne

To approve and adopt the Fee Schedule for FY 2016/2017 Resolution

Ayes: 4
 Nays: 0
 Absent: 1, Commissioner Sansom
 Motion carried

**Sidewalk Café Allowing
 Alcohol Service Ordinance
 Amendment Review
 Process**

Consideration of a recommendation, as per City policy, that the Planning Commission begin the process of review of an Ordinance Amendment at its April 18th meeting

Main Street Program Director Meeder stated at the March 15, 2016 City Commission meeting, there was a large contingent of businesses and citizens requesting that the City Commission again consider an amendment to the Ordinance that would allow alcohol service on sidewalk cafes. In 2012, Magnum Hospitality submitted an application for sidewalk dining specifically requesting alcohol service at Café Sante. Sidewalk cafes have been allowed in the downtown area for a number of years. Their request was not approved because the ordinance specifically prohibits alcohol. Subsequent, Magnum submitted a request to the City to consider changing the existing ordinance to also allow for the serving of alcohol on the public sidewalk.

In 2013, armed with much research information meetings and input from other communities that allow sidewalk dining with alcohol service, there was widespread support from the Chamber Board, Main Street Board, the Planning Commission, the Police Department and City staff to have the City Commission review a proposed amendment to the zoning ordinance to allow for sidewalk dining with alcohol service. An amendment to the ordinance was suggested as this would prohibit any grandfathering in. If the amendment were to pass and the change did not produce the appropriate experience for our downtown, it could be changed without any grandfathering in. That process did not pass the City Commission's approval.

Per Planning Director Scott McPherson, the process would be to have the Planning Commission review the ordinance amendment and make a recommendation at their April 18, meeting. The first available date for the First Reading by the City Commission is April 26, 2016. The first available date for the Second Reading by the City Commission is June 14, 2016. The earliest possible effective date after publication is June 30, 2016.

The Chamber Board and the Main Street Board recently approved recommendation that the City reconsider an amendment. The Chamber cited a recent statistically relevant survey that showed approximately 75% of City resident respondents were in favor of this.

City Manager Cain added that the communities that have tried this have been contacted and haven't experienced any negative consequences. We always have the opportunity to reverse this amendment. He recommends we continue the process.

Citizens Comments: Chris Christensen said we don't have the widest sidewalks. Will fences take away much of the sidewalk? Planning Director Scott McPherson said the current ordinance requires a 4' clear path on the sidewalk.

Glen Catt said Magnum Hospitality said it is very important to them. It could create new jobs. As a side note, 9 & 10 News recently credited Red Mesa as a catalyst to help Boyne City. They have earned the right to at least try.

Board Discussion: Mayor Pro-Tem Towne said he has heard from citizens for and against. His concerns are enough room and cleaning the sidewalks. He visited the restaurants this weekend and tried to visualize tables and umbrellas out. He can't see this as a problem. If this passes, there will be rules that will be monitored.

Commissioner Conklin said if Café Sante could create 3 – 5 more jobs, they deserve this opportunity. In the past, he called a lot of communities who have done this. There is always the fear of taking that plunge, but it can be managed. It's time to give this a chance. There are no concerns from the Police Department. It would be a vibe in town that is important for us to try.

Commissioner Grunch thanked Mr. Catt for his phone call. He would be open to this on a trial basis and would vote yes to have a two-year trial, with it not to be permitted on July 4th or during Stroll the Streets. He also suggested a 3-5 member team to monitor it. The Liquor Control Commission has plenty of rules in place. He would consider doing this without an amendment to the ordinance so there wouldn't be a burden of extra work on staff. City Manager Cain said we could research to see if it can be allowed without an ordinance amendment. Scott McPherson said in the current ordinance, by definition, alcohol is not allowed.

Commissioner Conklin said that much work has been done already regarding the amendment.

Commissioner Grunch said he doesn't want to jeopardize Stroll the Streets in any way. Stroll the Streets is special and families have spoken.

Lori Meeder said a lot of people at the March 15, 2016 Commission Meeting that spoke in favor of the amendment ordinance have young families, are family oriented and don't see it as an issue.

Mayor Neidhamer said he is favor of moving forward with the process and would entertain a resolution to waive the prohibition of alcohol if possible. But he is in favor of the process proposed.

2016-04-049

Moved by Conklin

Second by Towne

MOTION

To authorize the Planning Commission to review and recommend an amendment to the sidewalk café ordinance to include alcohol service in the downtown

Ayes: 4

Nays: 0

Absent: 1, Commissioner Sansom

Motion carried

Consideration to approve a change order from Quality Environmental Services in the amount of \$36,473 for additional asbestos removal services and anything further the City Manager deems appropriate regarding asbestos removal and authorize the City Manager to sign and execute the required documents

**Asbestos Remediation
Change Order**

Public Works Superintendent Andy Kovolski discussed the Asbestos abatement that has been taking place at the City Hall building starting April 5th. During the course of their work, Quality Environmental Services Incorporated, our contractor, discovered a large amount of material that was not accounted for on the original survey. These areas are located in the crawl spaces under the building. Because of access issues, the floor will need to be cut out in many areas to allow this work to be done. Asbestos was also found in a few other areas not reported in the original survey. A letter from Northern Analytics, who monitored the project, outlining the specifics of what was found and a breakdown of costs involved was presented.

Staff Comments: City Manager Cain added that the way the building was built, many areas were not accessible.

Citizens Comments: None

Board Discussion: Commissioner Conklin asked if our consultant verified this and was informed yes, and there is unit pricing that is used for the change order. Commissioner Conklin asked if the Contractor was contacted regarding this and was informed yes. All Commissioners agreed with the recommendation and that it has to be done.

2016-04-050
Moved by Towne
Second by Conklin

MOTION

To approve a change order from Quality Environmental Services in the amount of \$36,473 for additional asbestos removal services and anything further the City Manager deems appropriate regarding asbestos removal and authorize the City Manager to sign and execute the required documents

Ayes: 4
Nays: 0
Absent: 1, Commissioner Sansom
Motion carried

**Playground Mulch
Purchase**

Consideration to approve a contract with Michigan Bark Products for the purchase of 150 cubic yards of mulch to be delivered to the Veterans Park Playground in the amount of \$8,175 and authorize the City Manager to execute the documents

Public Works Superintendent Andy Kovolski said it is time to re-start the efforts to reseal the playground structure and install new playground mulch at the Veteran's Park playground. Three vendors were solicited to apply the sealer that the City purchased on the wood structure. No bids were received. The vendors were contacted and all said they had too much work and were not interested. Quotations were also solicited from the only

two vendors that supply Certified Playground Mulch. Michigan Bark Products provided the lowest bid for 150 cubic yards at a cost of \$8,175.

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Grunch asked if the sealer can be sprayed on and was told yes. Mayor Pro-Tem Towne said he is ok with the recommendation. Commissioner Conklin asked if there is a date when it will be done. Andy said we would need 26 to 47 hours of warmer temperatures and is holding off on the mulch until it is sealed. Commissioner Grunch asked if the current fabric liner would be replaced and was informed yes. Commissioner Conklin asked if it would be tested after it's complete and Andy said we are working with Saggaser on a plan and process. The MDEQ would sign off on our plan.

2016-04-051

Moved by Grunch

Second by Towne

To approve a contract with Michigan Bark Products for the purchase of 150 cubic yards of mulch to be delivered to the Veterans Park Playground in the amount of \$8,175 and authorize the City Manager to execute the documents

Ayes: 4

Nays: 0

Absent: 1, Commissioner Sansom

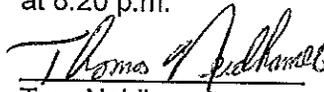
Motion carried

Mayor Pro-Tem Towne said he is hearing good comments about the City Clock restoration.

Good of the Order

ADJOURNMENT

Motion by Mayor Neidhamer seconded by Mayor Pro-Tem Towne to adjourn the regular City Commission meeting of Tuesday, April 12, 2016 at 8:20 p.m.


 Tom Neidhamer
 Mayor


 Cindy Grice
 Clerk / Treasurer