

**MAY 22, 2012
REGULAR MEETING**

RECORD OF THE PROCEEDINGS OF THE REGULAR BOYNE CITY COMMISSION MEETING DULY CALLED AND HELD AT BOYNE CITY HALL, 319 NORTH LAKE STREET, ON TUESDAY MAY 22, 2012

CALL TO ORDER

Mayor Ron Grunch called the meeting to order at noon followed by the Pledge of Allegiance.

Present: Mayor Ron Grunch, Mayor Pro-Tem Gene Towne, Commissioners Derek Gaylord, Laura Sansom and Tom Neidhamer

Staff: Craig Remsberg, Scott McPherson, Barb Brooks, Dan Meads, Michele Hewitt, Shannon McMaster, Andy Kovolski and Cindy Grice

Others: There were 27 citizens in attendance, including representatives from the Petoskey News Review and Charlevoix County News

Remove Agenda Item

Mayor Grunch stated that Agenda Item 9F is being removed from today's agenda.

**CONSENT AGENDA
MOTION**

2012-05-072
Moved by Towne
Second by Sansom

To approve the May 8, 2012 regular City Commission meeting minutes as presented

Ayes: 5
Nays: 0
Absent: 0
Motion carried

CITIZENS COMMENTS

Ron Crozier discussed the upcoming Memorial Day ceremony. Harry Wright asked if the annual rubbish cleanup could take place earlier for the year-round residents, possibly in May. He also discussed the lack of a sound ordinance and the loud music from the Mushroom Festival after curfew this past weekend that could be heard from his house. Mr. Wright also asked the Commission to guard our City rights and a place to launch boats. Maybe a no – wake zone could be added.

CORRESPONDENCE

An email from Emily Jones requesting a speedy resolution to the Kirtland Products noise and emissions issue was received and filed.

CITY MANAGERS REPORT

Barb Brooks presented the City Manager's report.

- The Boyne City Schools and City joined with several local industries to introduce and discuss the new machine tool tech course that will be offered at our local school this fall.
- Final application materials for the Park Street DIG grant were submitted on Monday.
- The airport will be closed on Saturday, May 26 at noon to prepare for the Police Department Drag race which starts Sunday at noon. The airport will reopen Sunday evening.
- The Brooke Development on Vogel Street should be open for business by the end of next week.
- The City's Rubbish Collection program will begin on Wednesday June 6.

Barb Brooks discussed and presented the 2012 Governor's Award for Historic Presentation that was recently awarded to the City of Boyne City for the 1910 Waterworks Building rehabilitation. Several members of the Community involved in the project were in attendance at the meeting and received words of appreciation for their involvement and dedication to the project. Commissioners also thanked individuals involved in restoring history while helping the water system as well.

2012 Governor's Award for Historic Preservation

Planning Director Scott McPherson provided an update from the recent Planning Commission meeting where the conditional rezoning for the One Water Street project was discussed and will be submitted at the next City Commission meeting.

REPORTS OF OFFICERS, BOARDS, AND STANDING COMMITTEES

Planning Director Scott McPherson stated that the noise consultants, RSG, are here today to collect the noise data, identify the issues and mitigation efforts. The Citizens Committee is still looking at emissions issues and the type of consultant required. The Kirtland plant is running this morning. The plan is to test the data during the day and night.

Kirtland Products update

Mike Hausler inquired regarding the DEQ emission requirement levels, if this was Scott McPherson's thinking or the City Commission's thinking. Mr. Hausler also provided information showing what the DEQ shows is coming out of the stack.

Commissioner Sansom asked how is the attendance of the committee and Scott said he doesn't believe all members have attended every meeting. Stack testing has not yet been done. Commissioner Gaylord inquired if all applicable equipment will be running during the noise testing and was informed yes.

Park Street Plan Review

Review of the draft Park Street reconstruction plans.

Larry Fox of C2AE provided an update on the Park Street reconstruction project, discussing the most preferred plan. A block by block description of the proposed plan was discussed. Much discussion took place on parking issues.

Citizens Comments: Harry Wright inquired about the effect of the reconstruction on the Soap Box Derby that takes place on the street and was informed, the street is being widened and there should be no effect. Todd Wright discussed the down side of the bump out including dangerous for bikers. Walt Ward said he sees not benefits of bump outs. Shirley Kirby stated that the bump outs are dangers because the streets are not wide enough. Michael Sehr said he would like to see diagonal parking in front of Self Indulgence, the building that he owns. The client turnover for the hair salon is every half hour per hairdresser and many are elderly. Todd Wright stated that he prefers the entrance off Park Street to the Library not be closed, and of the possibility of paving the alley behind the building. If the City paves it's portion of the alley, his business would pave their portion. Dan Meads said regarding the alley, the City Manager is looking into not closing it. He added that for now, it would be better keeping that alley open. Andy Kovoliski said the alley doesn't present a plowing issue if it were closed.

Board Deliberation: Commissioner Neidhamer asked the justification and

rationale of the bump outs from an engineering stand point. Larry Fox said they present a barrier and a transition to the downtown, esthetically provide green space. It should provide space to accommodate a bike, it cuts down pedestrian crossing distance. Commissioner Neidhamer also asked from an engineering standpoint about closing the alley at the library and Larry Fox said there have been some sight issues with cars. Are there plowing issues? Andy Kovolski said we are looking at getting more flexible blades for the bump out plowing and are getting a sample soon. Mayor Pro-Tem Towne said he would like to see the alley stay open. Commissioner Gaylord inquired if there was any statistical data regarding excessive speed and Interim Police Chief Remsberg said no. Commissioner Sansom said she is in favor of saving the tree on the second block of the project.

Parking issues were discussed. Pat O'Brien asked if both sides of the street could be parallel parking.

Mayor Grunch said this issue should be brought back at the next meeting for final decisions. Commissioner Gaylord said he would like statistical data from the Police department. Information from the public hearings regarding this project were also requested for the next commission meeting.

MOTION

2012-05-073
 Moved by Grunch
 Second by Gaylord

To call for a five minute recess at 1:46 p.m.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

MOTION

2012-05-074
 Moved by Grunch
 Second by Towne

To reconvene the meeting at 1:54 p.m.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

**Mooring on Road Ends
 Update**

Mayor Grunch discussed the new State law effective March 22 of this year that makes it illegal for individuals to continue to moor vessels between the hours of 12 midnight and sunrise at road ends unless such use is expressly provided for in the associated deed, easement or dedication. A copy of the law was also provided.

Staff Comments: Interim Chief Remsberg said he has reviewed the new law.

Citizens Comments: Bill Hawkins inquired about the public waterway

areas. Bob Frisch said any mooring in the launch area would require a permit and be monitored by the City. Lynn Murray said the primary concern is ownership of the deed to the road ends. That should be determined before issuing any permit. Walt Ward asked if we are going to roll over to Lansing. The law goes overboard. It makes it impossible for someone to use the lake. The street ends have been taken away from the public. Are you going to stand up for the citizens? Barb Frisch said the law has been passed. When you purchase a boat, you make arrangements on how to use it. John McCahan said as far as he knows, the road end property is owned by the City. Deeds should be researched. For at least 15 years, there have been sailboats moored at the Charlevoix Street road end. The new law has section 3 that may allow usage. He would hate to see the City not allow users. There are other road ends in the City, too. Vicky Farrell said she and her husband keep a sailboat out there. There have been problems in the past but not with them. It looks like there may be a way to allow moorings and she would like the City to allow the mooring and consider opening something more affordable.

Bob Frisch said the law was not just for Charlevoix Street, but is a Michigan Law. This is an ongoing problem in the State. Do we need the publicity that Boyne City does not follow the law? John McCahan said it is City property and the City has been very nice to allow it's use. Jordan Sweet said he has been keeping a boat at Charlevoix Street for a number of years. It isn't easy to take a sailboat out. Personally, it a beautiful boat on the water, it should not be a burden. All of the residents should be allowed to use the water. It would be great. Barb Frisch said the reality of the issue is that the parties don't want to pay for a boat well.

Interim Police Chief Remsberg said local authorities can enforce a state law along with the County Sheriff and the State Police. Barb Brooks said she read the public act, got an opinion from the MDNR that this affects the Charlevoix Street Road end. The City could apply for a permit for moorings if we choose to.

Board Deliberation: Commissioner Sansom said there is a need to have specifically designated spaces to moor boats, if we could find an area, set up spots and a fee schedule. Commissioner Gaylord asked if we know if the State of Michigan let the registered vessel owners know of the law. He added that we can debate whether it's a good or bad law, but it has to be enforced. The law is what the law is. Commissioner Neidhamer said he doesn't see any options. He also agrees it may be time to explore a mooring field. Mayor Grunch discussed another buoy that is far out into the lake and was informed by the owner of the buoy that it would be removed.

Patrol Car Purchase

Consideration to purchase a 2013 Ford Taurus Police Interceptor from Bob Mathers Ford in the amount of \$23,528.72 and authorize the City Manager to execute the necessary documents.

Interim Police Chief Craig Remsberg discussed the proposed purchase. The third patrol car is experiencing several issues that will be costly to repair. We are currently working on an application with the USDA for a grant to assist with the purchase of this vehicle.

Staff Comments: None

Citizens Comments: None

Board Deliberation: All are in agreement with the request.

2012-05-075

Moved by Towne
Second by Gaylord

MOTION

To purchase a 2013 Ford Taurus Police Interceptor from Bob Mathers Ford in the amount of \$23,528.72 and authorize the City Manager to execute the necessary documents

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Consideration to purchase 8 radios and 20 pagers from 911 with AFG Grant funds at a cost of \$5,600.19 and authorize the City Manager to execute the necessary documents

Fire Department Radio Purchase

Clerk / Treasurer Grice discussed the request from Fire Chief Dennis Amesbury. This will upgrade our radios and pagers to the new narrow band standard.

Staff Comments: None

Citizens Comments: None

Board Deliberation: All are in agreement with the request.

2012-05-076

Moved by Towne
Second by Gaylord

MOTION

To purchase 8 radios and 20 pagers from 911 with AFG Grant funds at a cost of \$5,600.19 and authorize the City Manager to execute the necessary documents

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Barb Brooks provided an introduction and demonstration of the City of Boyne City's new website. Many new features have been added, along with ease in viewing the minutes and agendas section of the site. This website will go live next week. The new address is www.cityofboynecity.com.

Website Introduction

Staff Comments: None

Citizens Comments: None

Board Deliberation: All of the Commissioner express approval of the site and thanked Barb for the great job she has done on it.

Commissioner Sansom said she would like staff to see if there is appropriate space for 4-6 moorings.

Good of the Order

Moved by Mayor Grunch, seconded by Mayor Pro-Tem Towne to adjourn the regular City Commission meeting of Tuesday, May 22, 2012 at 3:08 p.m.

**ADJOURNMENT
MOTION**

Ron Grunch
Mayor

Cindy Grice
Clerk / Treasurer

DRAFT