

**JUNE 24, 2014
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 JUNE 24, 2014

CALL TO ORDER

Mayor Ron Grunch called the meeting to order at 7:00 pm followed by the Pledge of Allegiance.

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

Staff: Cindy Grice, Jeff Gaither, Scott McPherson, Hugh Conklin, John Lamont, Annie Doyle, Michael Cain, Barb Brooks and City Attorney Jim Murray

Others: There were 50 citizens in attendance including representatives from the Petoskey News Review and Charlevoix County News.

CONSENT AGENDA

MOTION

2014-06-092

Moved by Towne

Second by Gaylord

Approval of the corrected May 13, 2014 City Regular City Commission meeting minutes as presented

Approval of the corrected May 27, 2014 City Regular City Commission meeting minutes as presented

Approval of the June 10, 2014 City Regular City Commission meeting minutes as presented

Ayes: 5

Nays: 0

Absent: 0

Motion carried

CITIZENS COMMENTS

Ron Crozier said he came down too hard on the Police Chief and the DPW Director at a past meeting regarding the Veteran's Memorial. They are doing their job.

Dr. Richard Fish stated regarding the removal of fluoride and if you could ignore 60 years of science and all of the data and rely on the schematics of the internet, but all three Commissioner made the comment it should be a personal choice. He said he is challenging them to put this on a ballot and let the people vote on this issue. He feels you owe it to the citizens to put it back on the ballot.

Boyne City Schools Superintendent and resident of Boyne City, Peter Moss spoke on the elimination of fluoride and the possible negative effect it will have on our children. He is an advocate of our children. There are our nearly 500 students within the City limits. All 1300 plus students drink City water during school on a daily basis. Boyne City students fall well behind the county average on dental cavities. We won't know for a while the effect of the decision. He added he would echo Dr. Fish's request that it becomes a ballot issue and let the voters decide. He trusts in the voters of Boyne City.

Dr. Paga, a dentist, said he is an advocate of fluoride. The vote should be

up to the people. There are some things you have to do when you live in the City for the common good. Fluoride has been proven thru American Dental Assoc and American Med Association for advocacy and safety. It's well intentioned what you're trying to do but he agrees it should be up to the people.

Arch Wright said he is also in agreement with putting the decision on a ballot.

Mayor Grunch said there is a request from citizens and asked the Commissioner if the board would consider discussing the ballot request at this meeting. Commissioner's Gaylord said not at this time. Commissioner Sansom said not at this time either. Mayor Pro-Tem Towne said probably the next commission meeting. Commissioner Neidhamer said he is in favor of putting it before the people for a vote. Mayor Grunch said he thinks it would be best to move it to the next meeting. He added he thinks it is a reasonable request to let the Citizens decide.

2014-06-093
 Moved by Neidhamer
 Second by Grunch

MOTION

That the fluoridation of the Boyne City Water system be put forth before the people in the matter of a vote and have staff bring something back as soon as possible..

Ayes: 2
 Nays: 3, Mayor Pro-Tem Towne, Commissioners Gaylord and Sansom
 Absent: 0
 Motion denied

2014-06-094
 Moved by Neidhamer
 Second by Grunch

MOTION

That to put the issue of the vote before the people concerning fluoridation on the agenda for the July 23rd City Commission Meeting.

Ayes: 2
 Nays: 3, Mayor Pro-Tem Towne, Commissioners Gaylord and Sansom
 Absent: 0
 Motion denied

Mayor Pro-Tem Towne said if someone would take a petition around house to house and get the required amount of signatures, he would know if the citizens would want it on the ballot. If you don't get the required signatures, then it won't go on the ballot.

Correspondence from Arbor Day Foundation regarding tree pruning was received and filed.

CORRESPONDENCE

CITY MANAGERS REPORT

City Manager Cain reported:

- The new book bike rack was installed at the Library late last week.
- The East and Ray Street reconstruction project is now out to bid with bids due on July 17th and scheduled to come before the City Commission at our August 22nd meeting.
- The vast majority of the work on the Division and Pleasant Street repaving project has now been completed.
- We are in very early discussions with Wilson Township and the Charlevoix County Road Commission on exploring the possibility of repaving the section of Anderson Road from Marshall south to the City limits.
- Thirteen of the new power pedestals at the Marina approved by the City Commission at our last meeting were being installed today. Barb is still determining the total number we will purchase for future use. Major progress on the three new fixed piers has also been made since our last meeting with the new main decks in place.
- Progress continues to be made at the Dog Park where the fence was for the large dog portion was going up today. Work on the water lines for the park was going on as well.
- Today the Boyne City Main Street program received congratulations from the National Main Street Center on being named a 2014 Nationally Accredited Main Street Community and meeting the 10 Standards of Performance.
- Concerts at the Gazebo resume tomorrow, Wednesday at 6:30 p.m.
- The other two pieces of sculpture arranged for public display this summer by the Main Street Design Committee are scheduled to be installed yet this week.
- The history of the Dilworth will be explored this coming Saturday during a meeting in the Library Community room at 1pm and then followed by tours of the hotel. This is a great opportunity to learn about this community landmark and take a firsthand 'before' tour of the facility
- Absentee Voter Ballots for the upcoming August 5th primary election are now available at City Hall
- The SOBO arts festival will be held this Friday and Saturday down in the SOBO arts district and at Peninsula Beach Park.
- East Jordan is holding their annual Freedom Festival with fireworks scheduled to take place Saturday night.
- Summer tax bills and our summer newsletter will be going in the mail on Monday, June 30th
- A reminder that at our next meeting on July 8th here at 7pm we will be holding a public hearing on the City Facilities concepts recently presented by Environment Architects

Commissioner Gaylord thanked Harbormaster Barb Brooks for her hard work and research on the pedestals and the dock work.

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

The May, 2014 Financial Statement was received and filed

**Food Vendor Ordinance 2nd
Reading**

Consideration to reject the proposed Mobile Food Vending ordinance and adopt the moratorium as presented.

Mayor Grunch opened the Public Hearing at 7:25 pm.

Assistant Planner Annie Doyle discussed the recommendation to reject the proposed ordinance in order to provide the City with sufficient time to develop a new ordinance. The City attorney advised staff that a moratorium must be as short as a period as possible, specifically tailored to the immediate situation and is limited in regards to the activities and uses of private property that can be restricted. Legal counsel prepared a moratorium based on those parameters. Planning Director Scott McPherson said based on the new information, he supports the recommendation as proposed.

Citizens Comments: Jim Baumann said he was at the meeting where the negative feedback was given. Everyone agreed we need to start over. He thinks the fact that its private property changes things. We're only talking 90 days to get our feet on the ground, let things cool and make this work better.

Julie Kolehmainen of Subway said she agrees completely. It's critical especially for business owners to include private property as part of the moratorium.

Brian Froyne from Brians Ice Cream said we have to be really careful. The truth is it's more wider scoped than most people are focusing on. What's the difference with the Schwan's truck, lemonade stands, Girl Scouts selling cookies at Glens. The rules should be the same way for everyone. He understands the local businesses trying to protect themselves. You have to be really careful when putting the rules together.

John McClorey, Bike Fix said he has been working with Boyne City since 2000 and he lives here. It's such a nice place and what makes it a nice place is we're so inviting. He wants the Commission to consider that the more we get people to visit, the better we're all going to be. The lifeblood is the people living around here. Think of the Community as a whole - being inviting and having people come here.

Tom Keena inquired if it fits zoning? Are they going to run generators that are noisy. He loves Boyne City but proceed with caution and do it right.

Shelly Bush, Korthase Road said she also owns and operates a food truck. She inquired about the meeting last week and asked if it was an open meeting to the public. How and who was involved. Hugh Conklin said he received a letter from Julie Kolehmainen requesting the meeting with 8 or 9 business owners, plus others. Ms. Bush also said she wants to see the board focus on what's important. We need to come up with a reasonable solution. They should not be allowed on Water or S East Street for public safety. The board was voted by the public not just business owners. Food Trucks do not have restrooms, limited or no seating. Isn't that what Boyne City wants, people to come into town? She added she is ok with Old City Park location and believes Boyne is big enough to allow them.

Drew Wright of Happy's Taco said he was raised in Boyne City. He studied entrepreneurship and wanted to come back to the City he loves, bringing something new and trendy. He won the Boyne Enterprising Business award and has won other awards nationwide and state wide. He was voted 6th best food truck in the nation. He tries hard, bringing something new to the City and thinks something needs to be done and be fair. The trucks need to be regulated. Consideration should be given to entrepreneurial ship in the city.

Tony Williams, owner of Freshwater Studio said he is a big supporter for the brick and mortar restaurants. Hears other communities are not really being welcome. Everyone said this is moving forward. This is a curve. Who likes the food trucks are the people who come here. They should be regulated and pay a fee. How to make this a level playing field will be tough. He thinks the people who come here will appreciate it. He understands the restaurants don't want the competition. All ships rise with the tide. In the long run, Boyne City will be a little hipper than the rest of the cities. It's a way of moving forward. He thinks we should do it.

Chris Nelson, BC Pizza said he would like to point out he thinks this is getting a spin that it's self preservation for the restaurants. He believes in capitalism. He is concerned about the Boyne City that's worked hard to build the business it has. He added he thinks it would be a detriment.

Marty Moody said part of the issue is we have all these vacant store fronts and it's not doing the town any good. If there's nothing in the building, when the trucks leave, there's nothing left. There's nothing encouraging people to buy the buildings. He doesn't have a stake in a restaurant. He hears there's a lot of negative feedback now. The original meeting was not all forward. It was presented that we're bringing food trucks, how do we accept them, not a positive rah rah, how do we get this done. Food trucks will show up when the getting's good and get when it's bad. He added it's not about not wanting competition for restaurants. We just lost Dunigan's Antiques. We need to focus on filling the empty businesses. He wants to make sure what moratorium is being considered. He agrees allowing them on private property doesn't do anything. Those dollars leave the community. No support for the schools. He's not saying no food trucks forever. We have to get Boyne City to crawl before we can walk.

Robin Berry said she understand the food trucks have ability to come in and leave unannounced unless Boyne City creates provisions. She likes hearing that this is an up and coming town. It's essential we're working to bring more people to Boyne City for a variety of experiences, including places to eat. We do have a limit on restaurants in town right now. There are a lot of different needs that bring people into town. People want that. If we can create an environment for young entrepreneurs they can possibly create capital to invest in brick and mortar. This town is a land of opportunity. This is a phenomenal environment. These are the people who are going to be inheriting Boyne City. See how it works, tweak it from year to year. If we can continue to open this up rather than follow the fears, I think we're going to see Boyne City get congratulations for it. The bylaws for Main Street are to create a working environment.

Zac Bush said his mom owns the Dairy Stop that is parked in the Old

Carter's parking lot. There are a lot of people that work at Lexamar right near there and it's nice for people to have a place to go get nice, warm food. There's McDonalds, but it's always packed and they don't have that much time on their breaks.

Meg McClorey said to remember that Boyne City is known throughout the whole area as a place of innovation. Young people can start with a food truck. It's a lot harder for people to start a brick and mortar business. Stuff happens in Boyne City and it's really good. Don't shut the door.

Eric Frykberg said he is in favor of food trucks. This town is about local first. Happy Tacos are local residents. What happens at the Farmer's Market. Does that market go into town. On Farmer's market days, he sells no tomatoes.

Drake Nagle from Happys Taco said they are operating in town on Wednesdays and Saturdays. He can tell you 100% that people love food trucks and people want to support fresh local food.

Greg Wright said Stroll the Street is a great event he has attended a few times. The only thing lacking is food vendors. They ended up dining in one of the local places waiting for quite some time. Drew is his son. He and Drake decided this would be a good business to get into. They support them wholly. They operated at Boyne Mountain all winter long. It was a challenge, with the sub-zero temperatures. They were extremely well received. There certainly needs to be restrictions. These guys are putting out a quality produce that is healthy that people enjoy. People have a choice of where they want to dine.

Shelly Bush said she employs people from Boyne and gives back. The Traverse City Truck is concerning to her. If permits are issues, they should go closest to Boyne City – out.

Barb Brooks said she attended the first food truck meeting. There were a lot of good comments at that meeting as well. She reminded the Commissioners about the surveys that were received. Not all were totally against the food trucks. The decision should be based on all the input, not just tonight.

Larry Glasgow, Water Street Café said about 26 people at the meeting were not in favor of bring in food trucks. We have brick and mortar businesses who pay taxes year around. Food trucks will be coming in and picking their days. They don't want 10 – 12 food trucks. The restaurants are not afraid of competition but everybody has to play by the same rules. Competition makes them step up their game.

Becky Harris said she thinks we're comparing apples and oranges. Brick and mortar are an experience. She loves all our restaurants. They're too different things. There are ways to regulate this and keep the money in town. You use a radius as the farmer's market does. We support each other. We can regulate how many and even what kind. She thinks it innovative and cutting edge. Competition is good.

Bruce Brown owner of the Alpine Chocolate Haus. Boyne City is not a large community. Not a Traverse City or Grand Rapids. We don't have the

masses of people. Happy Taco can move and go to different places. They do not have the restrictions. The image we wanted for Boyne City is very important. He has not hear one restriction on signs, noise from generators. There's a place for them. Boyne City's not big enough for this. Food trucks come and go and take away. His business pays a lot of money each year in taxes. This could be the beginning of the end of Boyne City as we know now. He is very opposed to it. Consider this really close because what's going to happen in the future. Once you open up Pandora's box you may not be able to close it.

Gayle Harbaugh said she loves the competition. Has become friends with Bruce at the Chocolate Haus. She borrows money in the winter to get to the summer to be here all year. They give a lot of money back in donations and charity. How many food trucks are chamber members?

Val Glasgow, Water Street Café saie she agrees with Bryce and Gayle. They do not have a portable business when things get bad. Be innovative about something yourself. Let other people copy what Boyne City has done. They work in other cities that are larger. We are not comparing apples to apples. All the brick and mortar have to abide by one set of regulations and the mobile vendors have another set of rules. It will be bad for the lake front, noise pollution and there will be trash. On Saturday mornings, bins are overflowing. Everyone will use the facilities of the local facilities. That's what they get when the vendors come into town. When you bring food trucks in you will infringe on people who travel with the carnival who contract to provide food.

Mike McCaig of Thick & Juicy said their bathrooms get used already when something happens. The average tax bill is over \$6,000. If you want to level the playing field, would any of the food trucks pay that amount? Will they be restricted on signage? He only gets a certain amount of square footage for his building. Will they be here in January, February and March? He would love if they brought more people to town during those months. He has 6 employees at his business and he would have to cut back if his business starts dropping. How many would they employ in town? Now, there are 11 food trucks that have shown interest. He doesn't think Boyne City is ready. This town is not big enough for 11 food trucks. In the Summer, he needs every business night to get him thru the winter. He would love to set up at Boyne Mountain. They could probably do pretty good out there.

Nicole, from Thick & Juicy said she has worked there the past 8 years and gets laid off in the winter. She is already picking up trash on Friday nights and added she doesn't want their customers having no place to sit because food truck customers will use their seating.

Marty Moody added this is about what's right for Boyne City and this does not fit. What makes Boyne different is we don't follow. We lead.

Julie Kolehmainen of Subway said if we move too quickly we can't back out. She is not opposed to the competition. Too much clutter, too much noise pollution. The moratorium will carefully control what we are doing so we can tiptoe into it. A lot of us are worried about going under.

Barbara Brown of Gaylord, suggests they open up a business and be a local

business. Also a non-chamber member received an award? She strongly suggests we tread lightly and make sure to go thru everything with a fine toothed comb.

Board Discussion: Commissioner Sansom said there has been a lot of information from both sides. Attorney Murray said the moratorium should apply to public property only. That will be supportable. It is not a recommendation for a potential regulation. Commissioner Sansom added there is a lot to consider and proceed cautiously. Tread lightly and consider what everyone has said. She appreciates the remarks that everyone has made. We should weigh the opposition.

Commissioner Gaylord said he thinks the hydrofluoric acid topic is nothing compared to this topic. It's his job to represent the people of Boyne City with the information that we get. He has had some recent conversations with business owners and other individuals in town. This is one of the 2nd ordinance readings where he's prepared to invoke the changes. There are two different viewpoints here. New friends would be food trucks, old friends would be those who have invested in our community. What do we want Boyne City to be? There is varied opinion on that. There's not set answer, but no question that Boyne City is the envy of other communities in the area as the result of hard work, tough decisions and choices made by all. What do we want the direction of town to be? Is not anti-food truck. He voted to approve a special food truck event for Main Street and that environment gives the experience of a food truck. He is all for business and we move forward. Food trucks may not put one penny back into the community. Businesses that are here step up and donate to charities. We've heard comments from them It's important to the brick and mortar businesses that they do give back to the community. We should also consider esthetics as well, the proper place and time. He would like to see something where they're either tied to a brick and mortar or are one.

Mayor Pro-Tem Towne said he is not against competition, but we need to look at what's best for Boyne City. He has talked to citizens and business owners and understands their concerns. He too has safety, noise and congestion concerns in the main business district. He doesn't want to see Stroll the Street jeopardized. He added that he thinks we can incorporate them somehow if we limit the amount of trucks, their locations to set up and possibly keep them local.

Commissioner Neidhamer said he was in favor in of concept of food trucks from the beginning. Food trucks are coming because we have no ordinance. We had 11 requests coming, they could come. Boyne City has become a great town because we are creative and progressive. Our feedback was to continue forward, he thought we could come to a consensus. He agrees with every comment made on both sides. For and against. Our challenge is to come up with a consensus that would work for everybody. We're not there yet. Recommendation from staff is to start over. He says ok, let's start over. Legally we're okay on the public moratorium, but could be challenged on the private. Attorney Murray said it may not be supportable. Commissioner Neidhamer said he is in favor of some type of moratorium, in favor of some type of ordinance. Start over.

Mayor Grunch said the recent meeting was an eye opener to him. His empathy is with the business owners. He thinks about the need for a level

and fair playing field. There are a lot of options. He added he believes we can only create a moratorium on public property only and supports it.

City Manager Cain said we can possibly regulate late night noise with the current noise ordinance we have.

2014-06-095

Moved by Sansom

Second by Towne

MOTION

To adopt the most current version of the Food Truck moratorium as presented, on public property in the City of Boyne City

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Brief Recess

2014-06-096

Moved by Grunch

Second by Gaylord

MOTION

To briefly recess at 9:27 p.m.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Reconvene

2014-06-097

Moved by Grunch

Second by Gaylord

MOTION

To reconvene at 9:35 p.m.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Consideration to accept the bid of \$5,200 from Indian Garden Associates LLC for the purchase of Lot 0 of CG Lewis Addition and authorize the City Manager to sign all necessary documents to facilitate the sale.

**Property Sale-south side
of 427 Lewis Street**

Planning Director Scott McPherson discussed the one bid received on the property as the City Commission directed staff to advertise.

Staff Comments: City Manager Cain said it is not a great price.

Citizens Comments: None

Board Discussion: Commissioners are all in favor.

MOTION

2014-06-098
 Moved by Towne
 Second by Gaylord

To accept the bid of \$5,200 from Indian Garden Associates LLC for the purchase of Lot 0 of CG Lewis Addition and authorize the City Manager to sign all necessary documents to facilitate the sale.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

**Boyne City to Charlevoix
 Non-Motorized Trail
 MDOT Certification**

Consideration to adopt the certifying resolution for the Boyne City to Charlevoix Non-Motorized Trail as proposed and authorize the City Clerk/Treasurer to submit it on behalf of the City of Boyne City

City manager Cain discussed the \$565,900 MDOT grant received as part of the funding package for the first phase of the Boyne City to Charlevoix Non-Motorized Trail. There are other funding sources including \$11,072 from the City of Boyne City. The project is ready to bid and in order to do so, MDOT request a resolution from the City that certifies the funding is in place, including the match funds, certifies a maintenance commitment, and authorizes an agency agent. Since the funding is in place, the County has agreed to maintain the project outside of the City and we have previously indicated our willingness to maintain the portion of the trail within the City. We are willing to serve as the agency agent on this project much like we do on most other City projects involving grant dollars.

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Neidhamer is in full support. It's a great project and construction needs to be started. Commissioner Sansom is in full support of the trail. Commissioner Gaylord said the section from Young State Park to Boyne City makes the most absolute sense. Mayor Pro-Tem Towne and Mayor Grunch are in support.

MOTION

2014-06-099
 Moved by Neidhamer
 Second by Sansom

To adopt the certifying resolution for the Boyne City to Charlevoix Non-Motorized Trail as proposed and authorize the City Clerk/Treasurer to submit it on behalf of the City of Boyne City

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Good of the Order

Commissioner Gaylord said he agrees with the viewpoint of Mayor Pro-Tem Towne regarding fluoride. The mechanism is already in place. Petitions can be garnered to put it on the ballot in that way. That is the proper process. I

would fully support that and absolutely live with the vote of the people.

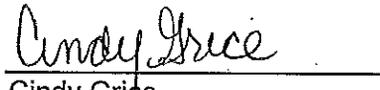
Commissioner Sansom said she is looking forward to the visit from Frankenmuth. We might all want to jot down some ideas and present what we want to show here. Commissioner Gaylord agrees. He thinks activities that tie into the lake, one of our prime things we show off.

ADJOURNMENT
MOTION

Moved by Mayor Grunch, seconded by Mayor Pro-Tem Towne to adjourn the regular City Commission meeting of Tuesday, June 24, 2014 at 10:00 p.m.



Ben Grunch
Mayor



Cindy Grice
Clerk / Treasurer