

**NOVEMBER 15, 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 NOVEMBER 15, 2016

CALL TO ORDER

Mayor Neidhamer called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance.

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

Absent: None

Staff: Cindy Grice, Michael Cain, Scott McPherson, Mark Fowler, John Lamont, Jeff Gaither and Barb Brooks

Others: There were 15 citizens in attendance.

**CONSENT AGENDA
MOTION**

2016-11-126
Moved by Conklin
Second by Towne

2016-11-126A
Approved the October 11, 2016 City Commission regular meeting minutes as presented

2016-11-126B
Approved to purchase a boring tool for the Water/Wastewater department from TT Technologies in the amount of \$4,976 and authorize the City Manager to execute the documents

2016-11-126C
Approved to purchase and replace light fixtures in the Tertiary building at the Wastewater Treatment Plant in the amount of \$8,950 from Shoreline Power Service and authorize the City Manager to execute the documents

Ayes: 5
Nays: 0
Absent: 0
Motion carried

CITIZENS COMMENTS

None

CORRESPONDENCE

None

**CITY MANAGERS
REPORT**

City Manager Cain reported:

- The City Facilities project continues to move forward on schedule.
- Our planned paving projects are completed for the year with the four sections of Lake Street and the portion of North Street recently paved and remarked
- The fall tree plantings have been completed and removals are set to begin shortly.
- The recent electrical problems at the Peninsula Beach sanitary sewer pump station have been covered by our insurance company for a little over of \$8,000.
- The MML's Review magazine published an article on Team Boyne in their November / December issue. That spreads the word about the

good things going on in Boyne City and with Team Boyne to some 10,000 readers in some 500 communities across Michigan and beyond.

- The four new wood poles for the ACD cellular antenna system have been erected on North, Brockway, Grant and Second Streets. They will now be working on bringing fiber and electric utilities to the poles and equipping them. They hope to have them operational on the Verizon system by December 15th. The traffic signal poles which are an additional part of this process are looking to be done in the spring of next year, probably in April or May.
- Thanks to the City Clerk and election team for the wonderful job transforming this facility into a polling place that worked very well and delivered with honest and fair results that reflected the true will of our citizens as it should be, thru the ballot box.
- Work continues at the Sommerset Pointe lift station prior to it being turned over to the City.
- Plans showing conceptual layouts of the possible renovations of the River mouth restrooms are available for review and comment.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

The September, 2016 Financial Statement; draft Minutes of the October 6, 2016 Main Street Board Meeting; the October 6, 2016 Parks & Recreation Commission Meeting; the October 17, 2016 Local Development Finance Authority Meeting; the October 17, 2016 Planning Commission Meeting; the October 17, 2016 Historical Commission Special Meeting; the October 20, 2016 Historic District Commission Meeting and the October 27, 2016 Airport Advisory Board Meeting were received and filed.

Fireworks Ordinance second Reading

Consideration of second reading of the proposed ordinance amendment to the Boyne City Fireworks Ordinance Sec. 34-114 authorize staff to execute the document.

Police Chief Jeff Gaither discussed the proposed amendment to the City's fireworks ordinance. On September 27, a first reading was held and staff was directed to schedule a second reading to amend the ordinance to add language to Sec. 34-113 as follows: **On these days, the ignition, discharge and use of Consumer Fireworks is prohibited between 1:00 a.m. and 8:00 a.m.** This amendment, if approved, would take effect 15 days after Commission approval.

Citizens Comments: None

Staff Comments: None

Board Discussion: All are in agreement.

MOTION

2016-11-127
Moved by Towne
Second by Sansom

To approve to amend the Boyne City Fireworks Ordinance Sec 34-113 to add language as follows **On these days, the ignition, discharge and use of Consumer Fireworks is prohibited between 1:00 a.m. and 8:00 a.m.** and authorize staff to execute the change.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Ted Macksey Rezoning Request First Reading

Consideration of a first reading for a rezoning request from Ted Macksey for rezoning parcels located on Jefferson Street from Rural Estate District to Multiple Family Residential District and authorize staff to schedule the second reading for January 10, 2017 at 7:00 p.m.

Planning Director Scott McPherson discussed the application from Ted Macksey to rezone parcels 15-051-026-005-00 and 15-051-026-004-15 from Rural Estate District (RED) to Multiple Family Residential District (MFRD). The parcels are located at 600 Jefferson Street. Parcel 026-005-00 is approximately 20 acres with 660' of frontage on Jefferson Street and measures 1,300 feet deep. Parcel 026-004-15 which is adjacent to the east of 026-005-00 is approximately 10 acres and measure 660ft x 660ft. The properties to the north are in Evangeline Township and are zoned Rural Residential and being used for single family dwellings. The property to the East is in the City of Boyne City and zoned RED and being used for a church. To the South there are properties zoned RED and conditionally zoned MFRD. The properties in the Parkside subdivision are zoned RED and being used for single family dwellings and the Brook is conditionally zoned MFRD and is being used for group senior and assisted living. The properties to the West are zoned Traditional Residential District (TRD) and are being used for single family dwellings, (vicinity zoning map attached). Public sewer and water are located adjacent to the subject property on Jefferson Street. The subject parcel is currently vacant, with majority of the parcel covered with mature forest. On the eastern quarter of the property there is a significant slope and an elevation change of over 40 feet.

Given the size and location of the subject parcels the rezoning requests presents a unique opportunity to the City. The 30 acre tract is one of the few undeveloped large pieces of land left if the City limits and its proximity to city water and sewer make it more cost effective for development. The master plan future land use map designates the property as Residential Open Space, however the plan does also provide for the consideration of parcels not specifically designated as multifamily on a case by case basis. The plan states the following in regards to reviewing these areas: *"The Multiple Family category includes the area owned by the Boyne City Housing Commission at Park Street and Division Street which provides a range of housing types and a senior center with associated senior services. Additional specific locations for future multiple family uses are not designated on the Future Land Use map, but will be considered on a case by case basis, so that the Planning Commission can have the flexibility to review the appropriateness of specific areas when the need arises."* The master plan is intended to serve as a guide that should be used to help determine land uses and development policies that affect the community's physical development. It defines general planning goals, policies and action plans that provide a philosophical base for use by the Planning Commission as it guides future growth and land use in Boyne City. Because it is a guide, the master plan is not intended to be rigidly administered. Changing conditions in the community may affect the goals and philosophy established when the plan was originally developed. Housing has been a topic of much discussion over the past months and has been identified and adopted as a goal of the City Commission and providing

housing opportunities for all is listed as a goal in the 2015 Boyne City Master Plan.

The recommendation is to direct staff to schedule a second reading for the next available City Commission agenda after December 27th, 2016. Historically the City Commission has not held a meeting during the fourth week of December due to its proximity to the holidays. Given the public interest in this application and to provide the maximum opportunity for public input it is recommended that the City Commission direct staff to schedule the second reading for January 10th, 2017 at 7pm which is the next available agenda after December 27, 2016.

Developer Ted Macksey provided his background and experience. He stated there is a need for affordable housing options in Boyne City. The current zoning is not economically feasible to develop the site. The building cost of large traditional size lots creating a large affordability gap in the market. He added that Boyne City's housing market is lagging behind other sectors of the real estate market and the increased density will allow for more affordable diverse housing options which will help meet the market demands of local families, empty nesters, seniors, single personal households and seasonal owners.

Staff Comments: None

Citizens Comments: Jeff Porter inquired what the development will do for property values in the surrounding neighborhood and was informed by Mr. Macksey that he thinks they will increase.

Ruth Ann Porter asked what exactly is the plan? If it is apartment buildings, their values will not go up in any way. There would be a less aggressive group here if they knew what will happen.

Jim Walker said there is now going to be a potential of 30 apartment buildings. His fear is that there is no oversight. Spread some of these apartment buildings somewhere else.

Rich Bergmann, BC Tap Room owner said is appreciative of the reception of the community for his business. Boyne City recently held a housing summit. There were many young people there interested in housing in this area. Many of his staff have a competitive wage but have to move because Boyne City does not have available housing. This is a critical situation across the entire region and he agrees with the right kind of development, but we have to look at the opportunity carefully. Look forward in a balanced way.

Joe Stanley said he agrees. There is a massive difference between a transient apartment or single family homes that would have pride of ownership. That doesn't happen with an apartment.

Frank Minier said he doesn't believe they came out of the Planning Commission with direction and asked the City Commission to please look at the guidelines.

Ashley Cousens said it is important to look at the housing issues. It's important to look at the property that has the features and a developer that is

willing to take a look at it. There is a stigma that needs to be addressed about apartment buildings and we need to look at the workforce needs.

Cathy Kessler said she understands the need for housing in this area and thinks we have to look at this, but it isn't the fair thing to do to people that purchased the property with the zoning as it is.

Mr. Macksey said the details would be putting the cart before the horse. To do an extensive study and then commit, is high risk business. It's not feasible and constrains him. He needs to get the zoning first and develop a plan and it gives the developer flexibility. Certain housing needs to be served in this area,

City Manager Cain stated that the issue tonight is the rezoning. The vision for the property is a fair question but has no legal basis.

Barb Brooks asked why Mr. Macksey couldn't consider conditional rezoning.

Board Discussion: Mayor Pro-Tem Towne said the issues is the rezoning. The property has a lot of opportunities for affordable housing and he doesn't know how many more we may have. Commissioner Sansom asked if it would be possible to rezone one of the parcels. Commissioner Conklin said he has tried to learn about the housing. He supports moving this forward to a second reading. Everyone is afraid of the unknown, but he thinks there needs to be a community discussion. Commissioner Grunch said its only fair to allow this to go to a second reading and likes the conditional rezoning idea. It needs to be looked at again and he would like to give everything a fair chance. Mayor Neidhamer said he wants to make this a win-win-win situation. A quality development, successful developer and allowing neighbors to have input in the process.

MOTION

2016-11-128
Moved by Conklin
Second by Grunch

To approve the first reading for a rezoning request from Ted Macksey for rezoning parcels located on Jefferson Street from Rural Estate District to Multiple Family Residential District direct staff to schedule the second reading for January 10, 2017 at 7:00 p.m.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Good of the Order

None

CLOSED SESSION MOTION

2016-11-129
Moved by Neidhamer
Second by Towne

To approve the request of the City Manager to go into closed session to (1) consider the purchase of real property as provided in MCL 15.268 (d) of the Michigan Open Meetings Act (PA 267 of 1976); and (2) consider a periodic

personnel evaluation of a public officer as provided in MCL 15.268 (a) of the Michigan Open Meetings Act (PA 267 of 1976) at 8:55 p.m.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

**RETURN TO OPEN
SESSION
MOTION**

2016-11-130
Moved by Neidhamer
Second by Towne

To return to open session at 11:08 p.m.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

**Open Space
Conservation
Agreement**

MOTION

City Manager Cain discussed the result of the closed session, and as part of the City acquiring the Open Space property, one of the items is a conservation easement placed on the property. The primary objective is to maintain view corridors with no buildings on the property. The amount of parking is also a topic of discussion and it would be appropriate to schedule a public hearing to discuss this.

2016-11-131
Moved by Neidhamer
Second by Sansom

To schedule a Public Hearing regarding a conservation agreement between the City of Boyne City and The Little Traverse Conservancy regarding the Open Space property for the Tuesday, November 29, 2016 regular City Commission meeting and change the time of the meeting from noon to 7:00 p.m.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

ADJOURNMENT

Motion by Mayor Neidhamer seconded by Mayor Pro-Tem Towne to adjourn the Regular City Commission meeting of Tuesday, November 15, 2016 at 11:14 p.m.

Tom Neidhamer
Mayor

Cindy Grice
Clerk / Treasurer