

**JANUARY 26, 2016
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 JANUARY 26, 2016

CALL TO ORDER

Mayor Neidhamer called the meeting to order at noon 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, Barb Brooks, Patrick Kilkenny, Scott McPherson, Jeff Gaither, Andy Kovolski, James Farley, Dan Nowland and Mark Fowler

Others: There was one citizen in attendance including a representative from the Petoskey News Review

**CONSENT AGENDA
MOTION**

2016-01-010

Moved by Towne

Second by Grunch

2016-01-010A

Approved the January 12, 2016 City Commission regular meeting minutes as presented

2016-01-010B

Approved to accept the resignation of Heather Nalbock from the Boyne City Housing Commission effective immediately

Ayes: 5

Nays: 0

Absent: 0

Motion carried

CITIZENS COMMENTS

None

CORRESPONDENCE

Correspondence from the Michigan Liquor Control Commission regarding an application for a New Class C & SDM Liquor License for BRT II, LLC was received and filed.

CITY MANAGERS REPORT

City Manager Cain reported:

- Plans are now available for the new City facilities. Bids are due on February 12, 2016
- The draft lease from Honeywell has been received and reviewed
- Low/Mod survey proposals have been released

City Manager Cain introduced new DPW staff members Dan Nowland and James Farley.

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

The December, 2015 Financial Statement was received and filed.

**Building Height Ordinance
Amendments**

Consideration of a first reading to review the Boyne City Zoning Ordinance to define Building Height as recommended by the Planning Commission

and schedule a second reading for the March 15, 2016 City Commission meeting.

Assistant Planning Director Patrick Kilkenny discussed the February, 2002 Boyne City ZBA interpretation on the definition of "Building Height" as defined in the 2001 Boyne City Zoning Ordinance. The ZBA determined that the 2001 adoption and associated review failed to notice a change to the definition from the 1998 ordinance, which subsequently led to confusion in how to determine the height of buildings. The ZBA interpreted that the intent of the 2001 Boyne City Zoning Ordinance was to keep the "Building Height" definition the same as it read in the 1998 Ordinance, although the 2001 Zoning ordinance was never officially amended.

A public hearing was held at the January 18, 2016 Planning Commission meeting to consider the building height language amendment as interpreted by ZBA to the Zoning Ordinance where there was a unanimous recommendation to adopt the ordinance amendment. This will assist both staff and the public with easily defining building height according to the definition included in the Zoning Ordinance.

Staff Comments: Planning Director Scott McPherson added that this is just clarifying the language.

Citizens Comments: None

Board Discussion: All are in agreement.

MOTION

2016-01-011

Moved by Grunch

Second by Sansom

To approve of the first reading to review the Boyne City Zoning Ordinance to define Building Height as recommended by the Planning Commission and schedule a second reading for the March 15, 2016 City Commission meeting.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Charlevoix County Parks Millage Application

Consideration to approve and submit an application in the amount of \$25,000 for the Community Pavilion project and an application request in the amount of \$25,000 for the Open Space Acquisition project, adopt the attached resolutions supporting the application of the projects and authorize the City Manager to sign all of the required documents to secure the funds.

Assistant Planning Director Patrick Kilkenny discussed the proposed applications for funding through the Charlevoix County Parks Millage for 2016. In 2014, Charlevoix County voters approved a millage to support parks throughout the County with funds collected from a millage. All governmental jurisdictions within Charlevoix County have the opportunity and are encouraged to apply to have a portion of these funds allocated to a specific project within their jurisdiction. For 2016, we are proposing to

submit application for both the Community Pavilion project and the Open Space Acquisition project, each for \$25,000.

Staff Comments: None

Citizens: Comments: None

Board Discussion: Commissioner Sansom inquired the dollar amount allocated from the County this year and was informed around \$100,000. Commissioner Conklin inquired about Barb Brook's role on the committee and was informed by Barb that she is part of the reviewing committee of the grant requests. All Commissioners are in support of the request.

MOTION

2016-01-012

Moved by Conklin

Second by Towne

To approve and submit an application in the amount of \$25,000 for the Community Pavilion project and an application request in the amount of \$25,000 for the Open Space Acquisition project, adopt the attached resolutions supporting the application of the projects and authorize the City Manager to sign all of the required documents to secure the funds.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Planning Commission Appointment

Consideration to appoint Tom Neidhamer as the ex-officio City Commission Representative to the Planning Commission for a term concurrent with his elected term of office.

Planning Director Scott McPherson discussed the question raised following Mayor Neidhamer's election as mayor in regards to his eligibility to continue to serve as the City Commission representative on the Planning Commission. After review of the Michigan Planning Enabling Act P.A. 33 of 2008, Section 2-257(A) of the Boyne City Planning Commission Ordinance and the Boyne City Charter, it is clear the appointment of the mayor or a City Commissioner is not specifically precluded, it was a concern that the City could run afoul of an Attorney General's opinion in regards to self-appointments. After reviewing the question, City Legal Counsel concluded that the mayor may be appointed to the Planning Commission if appointed as an ex-officio member by resolution of the City Commission.

At their December 21, 2015 meeting, the Planning Commission discussed this matter and felt that having a City Commissioner sitting on this commission was very useful and they would like to see that continue, also recommending by motion that Mayor Neidhamer maintain his seat on the Planning Commission or have another City Commissioner take his place to fill this position. Therefore the recommendation in front of the Commission today is to appoint Tom Neidhamer as the ex-officio City Commission Representative to the Planning Commission.

Staff Comments: None

Citizens Comments: None

Board Discussion: Mayor Neidhamer said he would like to stay on the Planning Commission but not at the cost of any controversy. All Commissioners agreed and supported with recommendation.

MOTION

2016-01-013

Moved by Grunch

Second by Towne

To appoint Tom Neidhamer as the ex-officio City Commission Representative to the Planning Commission for a term concurrent with his elected term of office

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Resolution 269

Consideration to adopt a proposed resolution opposing Public Act 269 as presented

City Manager Cain discussed the presented draft resolution opposing recently enacted Public Act 269. As the resolution states, the act as enacted into law significantly changes what public officials and organizations can say regarding upcoming local ballot questions. This act appears to limit what can be communicated by public organizations within 65 days of the election date. Rather than helping to insure that such information is balanced or factual, it requires silence. This does nothing to help insure that voters are informed on any issue so they can vote as they see fit. The proposed resolution is as drafted by the Michigan Municipal League with a few minor changes.

Staff Comments: None

Citizens Comments: None

Board Discussion: All Commissioners are in support of the proposed resolution.

MOTION

2016-01-014

Moved by Conklin

Second by Sansom

To adopt a proposed resolution opposing Public Act 269 as presented

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Historical Walking Tour Project

Consideration to authorize staff to submit an application to the National Trust for Historic Preservation for Phase Two of the Historical Walking Tour project

Barb Brooks discussed the Historical Walking Tour project. In 2015, the City Commission authorized staff to apply for a grant from the National Trust for Historic Preservation to expand on its current downtown historical walking tour. A new grant cycle is currently underway and staff would like to apply for this grant to further expand on last year's project. This project is anticipated to cost approximately \$7,000 and the grant requires a 50% match. The purpose of this grant is to encourage preservation at the local level by providing seed money for preservation projects and is only available to members of the Trust and Main Street communities. The 2015 grant and project highlighted all of the buildings comprised in our downtown historical designation and included an online tour (including audio narration), printed brochures, a mobile app and window poster. The project was a huge success and spurred an early summer event celebrating Boyne City's past.

The Main Street marketing committee has mapped out three phases to this project. With Phase I complete, Phase II will build on it and include residential areas such as Pearl Street, Tannery homes in the Elm and Cedar Streets area and neighborhood churches and schools. Within the next few years, Phase III is being planned by Main Street to include lakefront industries, shipping, excursion boats, rerouting of the Boyne River and the railroad.

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Sansom said she is in full support of promoting and protecting history. All other Commissioners are in support of this recommendation.

MOTION

2016-01-014
 Moved by Towne
 Second by Sansom

To authorize staff to submit an application to the National Trust for Historic Preservation for Phase Two of the Historical Walking Tour project

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

GOOD OF THE ORDER

Commissioner Conklin inquired about the ice rink status. DPW Superintendent Andy Kovolski said we've been making ice, flooding the rink a few times each day, when not plowing. Commissioner Conklin also inquired if we could put a related completed project list related to our goals. Commissioner Conklin also said he would like to revisit our outdoor cafés including allowing alcohol served in the sidewalk cafes. He would like to know the process to reintroduce this since the vote was taken adding that he's heard interest again in the community and it was also mentioned at the recent goal setting session. Commissioners Grunch, Towne and Sansom said they have no interest in re-introducing this and Mayor Neidhamer said he is still in support of it. Mayor Pro-Tem Towne

said he would be okay with more public input on the matter. No action was taken

ADJOURNMENT
MOTION

Motion by Mayor Neidhamer seconded by Mayor Pro-Tem Towne to adjourn the regular City Commission meeting of Tuesday, January 26, 2016 at 1:07 p.m.

Tom Neidhamer
Mayor

Cindy Grice
Clerk / Treasurer