

**NOVEMBER 12, 2019  
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 NOVEMBER 12, 2019

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**CALL TO ORDER**

City Manager Cain called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance.

Present: Commissioners Tom Neidhamer, Ron Grunch, Hugh Conklin, Sally Page and Dean Solomon

Absent: None

Staff: Michael Cain, Cindy Grice, Scott McPherson, Kelsie King Duff, Kevin Spate, Dennis Amesbury, Michele Hewitt and Tim Faas

Others: There were 10 citizens in attendance.

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**ELECTION OF MAYOR  
MOTION**

2019-11-141  
Moved by Solomon  
Second by Grunch

To elect Tom Neidhamer as the Mayor of Boyne City

Ayes: 5  
Nays: 0  
Absent: 0  
Motion carried

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**ELECTION OF MAYOR  
PRO-TEM  
MOTION**

2019-11-142  
Moved by Conklin  
Second by Page

To elect Ron Grunch as the Mayor Pro-Tem of Boyne City

Ayes: 5  
Nays: 0  
Absent: 0  
Motion carried

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**CONSENT AGENDA  
MOTION**

2019-11-143  
Moved by Conklin  
Second by Grunch

Approval of the October 22, 2019 City Commission regular meeting minutes as presented  
Approval of a resolution for Charitable Gaming Licenses for Great Lakes Energy Annual Holiday Party raffle and authorize the City Clerk to complete the resolution  
Approval of the recommendation of the Historical Commission to appoint Asuka Barden to the Boyne City Historical Commission for a three year term expiring June 30, 2022  
Approval of the recommendation of the Historical Commission to reappoint Michele Hewitt to a two year term expiring June 30, 2021

Approval of the recommendation of the Historical Commission to reappoint Lisa Alexander to a three year term expiring June 30, 2022  
 Approval of the recommendation of the Historical Commission to reappoint Syrina Dawson to a three year term expiring June 30, 2022

Approval to purchase four Generation 1, 128GB iPads and four Defender series Otter Boxes for a total cost of \$2,075.80 and authorize the City Manager to execute the documents

Approval of a purchase order contract with Landscape Forms for the purchase of eight (8) park benches and six (6) memorial plaques in an amount not-to-exceed \$13,128.32 and authorize the City Manager to execute the documents

Approval of a purchase order contract with Site One Landscape Supply of Petoskey for the purchase of four (4) thirty packs of fifteen gallon tree watering bags in an amount not-to-exceed \$2,160 and authorize the City Manager to execute the documents

Approval to authorize a purchase order contract with The Dynamic Group to purchase of two (2) replacement luminaries and two (2) head modules in an amount not-to-exceed \$2,620 and authorize the City Manager to execute the documents

Approval to award a contract for design services for the Pine Street Storm Sewer & Resurfacing Project in an amount not-to-exceed \$8,900 per the proposal dated November 1, 2019 and authorize the City Manager to execute the documents

Approval to authorize the contract with Northern Michigan Escapes for the 2019/2020 Winter for Snow Removal & Salting Services at City Hall and the Boyne River Board Walk in an amount not-to-exceed \$11,000 and authorize the City Manager to execute the documents

Approval of the revised PA 210 Resolution for the Lofts on Lake Street as requested by the State and authorize the City Manager and/or City Clerk / Treasurer to submit it and any other necessary materials required

Ayes: 5

Nays: 0

Absent: 0

Motion carried

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**CITIZENS COMMENTS**

None

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**CORRESPONDENCE**

A Notice of Intent to Prepare a Master Plan from Eveline Township and Correspondence from MML regarding Elected Officials Training were received and filed.

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**CITY MANAGERS REPORT**

City Manager Cain reported:

- An update of the pavilion project was provided
- 101 new trees have been planted
- The Winter newsletter is now available

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

Draft minutes of the October 1, 2019 Zoning Board of Appeals Meeting; the October 3, 2019 Main Street Board Meeting; the October 10, 2019 Parks & Recreation Commission Meeting; the October 14, 2019 EDC Meeting; the October 14, 2019 LDFA Meeting; the October 21, 2019 Planning Commission Meeting; the

October 21, 2019 Historical Commission Meeting and the October 24, 2019 Airport Advisory Board Meeting were received and filed.

**Audit Presentation**

Presentation of the City of Boyne City FYE 2019 Financial Report from Joe Verlin of Gabridge & Company

**Storm Water Control Ordinance Second Reading**

Consideration of a second reading to approve the Storm Water Management as proposed

Planning Director Scott McPherson said that prior to 2006 Charlevoix County administered and regulated storm water through the Charlevoix County Storm Water Management Ordinance. The County subsequently repealed the ordinance in reaction to an Attorney General opinion that stated counties could not enact storm water ordinances as that power had not been specifically provided by the State. The opinion further stipulated that cities and townships did have the authority to adopt a storm water ordinance. In the years following the repeal, the County, working through the Michigan Townships Association, with the assistance of Tipp of the Mitt Watershed Council, developed a new storm water control ordinance which the County agreed to administer and enforce for all communities that chose to adopt the ordinance. In 2012 the majority of the townships had adopted the ordinance and had entered into intergovernmental agreements with the County. The proposed ordinance was brought to the Boyne City City Commission in August of 2012 for their consideration, however, the Commission had concerns that the ordinance did not sufficiently consider the unique aspects of the City as compared to rural township in regards to storm water systems and control. Given these concerns the City decided not to adopt the ordinance as proposed. It is my understanding the Cities of Charlevoix and East Jordan also chose not to adopt the ordinance citing similar concerns.

While the City of Boyne City did not adopt the proposed storm water control ordinance as proposed, the control and treatment stormwater has been and continues to be a top concern and priority. The City, on its own initiative and expense, has installed and improved storm water control and treatment systems throughout the City. And while not required, developers have voluntarily abided by the storm water control standards of the ordinance. However, given the increasing development pressure, the value and importance of having an enforceable ordinance in place is recognized. In 2013, as part of the SAW grant application, funding was designated for the development of a City storm water ordinance. After the grant was awarded three years later, the City began working on developing a new ordinance. Working with Tipp of the Mitt Watershed Council and partnering with the Cities of East Jordan and Charlevoix, a new ordinance was developed. The draft ordinance has been reviewed and is fully supported by Dr. Grenetta Thomassey, Director of Watershed Policy, Tipp of the Mitt Watershed Council, and has been submitted to Charlevoix County Board of Commissioners, who have tentatively agreed to administer and enforce the ordinance pending review by their legal counsel. The proposed ordinance was presented to the

Boyne City Planning City Commission at its September 16, 2019, and the ordinance was unanimously recommended for adoption. The proposed ordinance has been provided to the Cities of East Jordan and Charlevoix and both are communities are moving forward with adoption of the Ordinance.

The proposed ordinance was submitted to the City Commission for a First Reading on October 8, 2019 and was scheduled for a second reading. As required by the Boyne City Charter, ordinances cannot be adopted until at least one month after the meeting it is introduced and the ordinance was scheduled for a second reading on November 12, 2019. If adopted by the Commission the ordinance will become effective 15 days after publication.

Staff Comments: None

Citizens Comments: None

Board Discussion: Mayor Pro-Tem Grunch said it was a comprehensive document. All are in agreement with the recommendation

## **MOTION**

2019-11-144  
Moved by Conklin  
Second by Page

To approve the Storm Water Management as proposed

Ayes: 5  
Nays: 0  
Absent: 0  
Motion carried

## **Housing Barrier Amendments First Reading**

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Consideration of a first reading of proposed amendments to the Boyne City Zoning Ordinance to potential barriers to housing development and schedule a second reading for January 14, 2020

Planning Director Scott McPherson said that in January the City Commission formally adopted the City Goals and associated high priority action items. Several of the action items are specifically targeted at addressing the housing shortage issue and fall within the role and responsibilities of the planning commission.

Over the summer the Planning Commission reviewed the entire Boyne City Zoning Ordinance with the objective of identifying potential barriers to housing development. From that review multiple proposed amendments to various sections were developed. For the following proposed ordinance amendments deleted text is shown with a ~~strikeout~~ and new text is shown in *italics*.

### **Proposed Amendments to Article I Definitions**

Several amendments to the definitions in Article I are being proposed. The amendments are intended to make the language

consistent and eliminate unnecessary and duplicate definitions. The proposed amendments are as follows:

**Dwelling, Manufactured Home:** A building or portion of a building designed for long-term residential use and characterized by all of the following:

1. The structure is produced in a factory ~~in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended~~ *and is in compliance with all applicable codes to be classified and used as a dwelling;*
2. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities;
3. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

*A mobile home and modular home is are considered a type of manufactured dwelling homes.*

**Dwelling, Mobile Home:** A structure, transportable in one (1) or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered "mobile homes" for the purposes of this Ordinance. ~~(See Mobile Home (Manufactured Housing Unit)).~~

**Dwelling, Modular Home:** A dwelling which consists of prefabricated units transported to the site in two (2) or more sections on a removable undercarriage or flat-bed and assembled for permanent location upon a permanent foundation on the lot, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, and which shall not be considered a mobile home.

~~**Mobile Home (Manufactured Housing Unit):** A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle as described and regulated herein for the purposes of this Ordinance. (See Dwelling, Manufactured, and Dwelling, Mobile Home.)~~

~~**Mobile Home Park (Manufactured Housing Development):** A parcel or tract of land under the control of a person upon which three (3) or more mobile *manufactured* homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together~~

with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile manufactured home and which is not intended for use as a temporary trailer park, subject to conditions set forth in the Michigan Manufactured Housing Commission Rules and Michigan Public Act 449 of 1976, 96 of 1987 as amended. *Seasonal mobile home parks as defined by the Act are not Manufactured Housing Developments.*

#### **Proposed Amendments to Article IV**

The amendments proposed to Article VI would allow accessory dwellings and duplex's as a use by right and permit multiple family units with a maximum of 4 units as a conditional use. The proposed amendments are as follows:

#### **Section 4.20 Principal Permitted Uses.**

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Ordinance.

- A. Single family detached dwellings.
- B. *Attached or detached accessory apartments, provided the site contains an owner occupied single family dwelling, limited to one (1) accessory apartment per site. Accessory apartments can be attached to either a single family dwelling or a detached garage. Detached accessory apartments shall have a minimum side yard and rear yard setback of ten (10) feet. Off-street parking shall be in accordance with D.1.a of this subsection.*
- C. *Two-family dwellings.*

#### **Section 4.30 Conditional Uses.**

The following uses shall be considered conditional and shall require conditional use approval, and shall comply with any applicable conditional use requirements of Article XXV:

- A. ~~Attached or detached accessory apartments, provided the site contains an owner occupied single family dwelling, limited to one (1) accessory apartment per site. Accessory apartments can be attached to either a single family dwelling or a detached garage. Detached accessory apartments shall have a minimum side yard and rear yard setback of ten (10) feet. Off street parking shall be in accordance with D.1.a of this subsection.~~ *Multiple dwelling with a maximum of 4 units* subject to the following:
  1. Lot area must contain a minimum of 2,500 square feet per unit.
  2. Units must be compatible with surrounding
- B. Private recreation areas, uses and facilities including, marinas, and swimming pools subject to the following:

1. No building shall be located within one-hundred (100) feet of a dwelling.
  2. Facilities such as licensed restaurants and bars may be permitted when occupying an integral part of the main structure, provided there is no exterior display or advertising of said facilities.
  3. Swimming pools, tennis courts, boat docks, and similar uses shall be located not less than thirty-five (35) feet from any property line.
- C. Home occupations in which customers or patrons visit the site for the delivery of goods and/or services.
- ~~D. Two family dwellings.~~
- ~~1. Criteria for granting conditional uses for two family dwellings in a Traditional Residential District (TRD).~~
    - ~~a. A parking area shall be provided for the occupant of both units which shall be hard surfaced, preferably asphalt, brick or concrete, and shall have at least two (2) parking spaces for each dwelling unit (not less than four (4) spaces).~~
    - ~~b. The applicant shall submit a site plan (drawn to scale and indicating the setbacks) and a floor plan of both units showing the present use and the proposed use of each room in the structure. Any permit granted allowing the conditional use shall designate the number of bedrooms allowed in each unit and such number shall not thereafter be increased.~~
    - ~~c. The size and architecture shall be in harmony with the existing neighborhood in which it is located and will not be detrimental to the future orderly development of the nearby properties.~~
    - ~~d. Any refuse and garbage collection area or devices shall comply with 35.052, Section 2, Containers, of the City of Boyne City General Ordinances.~~
    - ~~e. The applicant shall compile a list and provide a map of existing duplex units, multiple family units, rooming houses, and care facilities within three hundred (300) feet of the proposed structure. The Planning Commission shall be entitled to consider the density of~~

~~such units and limit the density within that area.~~

### **Proposed Amendments to Article VII**

The amendments to Article VII would change the terminology from mobile home to manufactured home and park to development, increase the density to 10 units per acre and allow the 25,000 square feet open space requirement to be met by more than 1 area. The proposed amendments are as follows:

## **ARTICLE VII MANUFACTURED HOUSING ~~PARK DEVELOPMENT~~ DISTRICT (MHPD ~~MHDD~~)**

### **Section 7.10 Purpose.**

The purpose of this district is to provide sites for ~~mobile homes and~~ manufactured housing units at appropriate locations in relationship to the existing and potential development of the surroundings while establishing an attractive residential environment.

### **Section 7.20 Principal Permitted Uses.**

- A. Manufactured housing ~~units~~ *development*.
- B. Accessory structures and uses customarily incidental to the above permitted uses.

### **Section 7.30 Conditional Uses.**

The following uses shall be considered conditional and shall require conditional use approval, and shall comply with any applicable conditional use requirements of Article XXV.

- A. Public, parochial and private schools including nursery schools, churches, temples, or similar places of worship, libraries, community buildings, hospitals, convalescent homes, and funeral homes. (amended: October 24, 2007)
- B. Private recreation areas, uses and facilities including country clubs, marinas, golf courses and swimming pools subject to the following:
  - 1. No building shall be located within one-hundred (100) feet of a dwelling.
  - 2. Facilities such as licensed restaurants and bars may be permitted when occupying an integral part of the main structure provided there is no exterior display or advertising of said facilities.
  - 3. Golf fairways, swimming pools, tennis courts, boat docks, and similar uses shall be located not less than thirty-five (35) feet from any property line.
- C. Public utility transformer stations, substations and gas regulator stations without service or storage yards shall

comply with the requirements of this Ordinance and shall be subject to the following:

A front yard setback of not less than fifty (50) feet shall be provided (irrespective of the yard requirement of the district in which it is located) and two (2) side yards and a rear yard shall be provided, each shall not be less than twenty-five (25) feet in width. The previously mentioned conditional uses shall be landscaped with a buffer of plant materials that effectively screens the view of the use from property used for residences. The standard buffer shall consist of a landscaped strip at least six feet (6) wide outside the perimeter of the compound. The buffer shall contain a variety of species of plants.

#### **Section 7.40 Development Requirements.**

The following requirements shall be met within a Manufactured Housing Park District (MHPD):

- A. Preliminary development plan approval shall be required as set forth in Article XIX of this Ordinance. Following review of preliminary requirements and written notice of approval by the County Drain Commission, Road Commission, and the local health agency, the Planning Commission shall notify the developer of its action within sixty (60) days of filing a complete application. Review of a final development plan shall occur as set forth in the State of Michigan Public Act 96 of 1987.
- B. Off-street parking for manufactured homes as specified in Article XXIV of this Ordinance together with the following:
  1. All ~~mobile~~ *manufactured* home sites shall be provided with two (2) parking spaces.
  2. If on-site vehicle parking is provided, it shall be in compliance with both of the following:
    - a. The parking spaces may be either in tandem or side-by-side. If in tandem, the width shall not be less than ten (10) feet and the combined length shall not be less than forty (40) feet. If side-by-side, the combined width of the two (2) parking spaces shall not be less than nineteen (19) feet and the length shall not be less than twenty (20) feet. In either method, the length shall be measured from the curb or inner walkway edge.
    - b. A parking space shall be hard-surfaced and shall be constructed in compliance with Act No. 8 of the Public Acts of 1973, being S 125.1361 of the Michigan Compiled Laws.

3. If off-site vehicle parking is provided, the parking spaces shall be adjacent to the ~~mobile-manufactured~~ home site and shall comply with the following:
  - a. Parking facilities shall be provided for the storage of ~~mobile manufactured~~ homes if a sales office is part of the ~~park development~~ operation.
  - b. Parking facilities shall be provided for the storage of maintenance vehicles.
  - c. Parking facilities shall be provided at the office location for office visitors.
  - d. A minimum of one (1) parking space for every (3) ~~mobile manufactured~~ home sites shall be provided for visitor parking located convenient to the area served.
  - e. If off-site parking facilities are provided in bays and at office or other facilities, they shall be in compliance with R 408.30427 of the Michigan Administrative Code.
  - f. If not provided for on-site or in parking bays, a separate parking area may be provided for vehicles that cannot be accommodated within the standards set forth in these rules, and for recreational vehicles, such as motor homes, travel trailers, and snowmobiles.
  
- C. Signs for all uses as specified in the Boyne City Sign Ordinance.
  
- D. In a ~~mobile manufactured~~ home ~~park development~~, the following specific standards shall apply:
  1. Lot Area and Density.
    - a. The tract to be developed shall contain a minimum of ten (10) acres.
    - b. The ~~mobile manufactured~~ home ~~park development~~ may have a maximum density of 10 units per acre. ~~shall be developed with sites averaging five thousand five hundred (5,500) square feet per manufactured home unit. This 5,500 square feet for any one site may be reduced by twenty percent (20%) provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of~~

~~land shall be dedicated as open space, but in no case shall the open and distance requirements be less than that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code.~~

2. Yard Requirements.

- a. A ~~mobile~~ *manufactured* home shall be in compliance with the following minimum distances:
- 1). Twenty (20) feet from any part or attached structure of another manufactured home which is used for living purposes.
  - 2). Ten (10) feet from either an on-site parking space of an adjacent manufactured home site or an attached or detached structure or accessory which is not used for living purposes.
  - 3). Fifty (50) feet from a permanent building.
  - 4). One-hundred (100) feet from a sports field.
- b. Any part or structure that belongs to a ~~mobile~~ *manufactured* home shall be set back the following minimum distances:
- 1). Ten (10) feet from the edge of an internal road and seven (7) feet from a parking bay.
  - 2). Seven (7) feet from a common pedestrian walkway.
  - 3). Ten (10) feet from a natural or man-made lake, object, or waterway.
- c. A ~~mobile~~ *manufactured* home site length may vary depending on park design and layout and the manufactured home to be installed; however the minimum standards pertaining to distance between manufactured homes shall be complied with.
- d. Site dimensions may be computed to include the space requirements for manufactured homes which may contain expandable rooms,

or in anticipation of the attachment of expansions such as add-a-rooms.

3. Setbacks from Property Boundary Lines.

- a. ~~Mobile~~ *Manufactured* homes, permanent ~~park~~ *development* buildings and facilities, and other structures shall not be located closer than ten (10) feet from the property boundary line of the ~~park~~ *development*.
- b. If ~~mobile~~ *manufactured* homes, permanent ~~park~~ *development* buildings and facilities, and other structures abut a public right-of-way, they shall not be located closer than twenty-five (25) feet from the park boundary line. This rule does not apply to internal ~~park~~ roads if dedicated for public use, providing the roads do not present a nuisance or safety hazard to the ~~park~~ *development* tenants.

4. Streets.

- a. An internal road is subject to approval by the Michigan Department of Commerce and shall be in compliance with all of the following general requirements:
  - 1). The road shall be hard-surfaced.
  - 2). The road shall have access to a public thoroughfare by a permanent easement which shall be recorded prior to approval. Sole access by an alley is prohibited.
  - 3). A dead-end road shall terminate with an adequate turning area. A blunt-end road is prohibited.
  - 4). An adequate safe-sight distance shall be provided at intersections.
  - 5). An offset at an intersection or an intersection of more than two (2) streets is prohibited.
  - 6). All roads shall be clearly marked with appropriate traffic signs, subject to the provisions of Rule 701(2) as set forth by the Michigan Department of Commerce.

- 7). A road shall be named and so identified by street signs located at all road intersections.
  - 8). A name for an internal road shall be approved by the municipality.
- b. A road shall have a driving surface of not less than the following:
    - 1). One way, with no parking - thirteen (13) feet.
    - 2). Two way, with no parking - twenty-one (21) feet
  - c. At access points where general traffic enters or leaves the park, the width shall be sufficient to permit free movement from or to the stream of traffic on the public roads.
5. Open Space Requirements.
- a. ~~A mobile home park that contains fifty (50) or more mobile home sites shall have at least one (1) easily accessible open space area continuing not less than twenty-five thousand (25,000) square feet including a minimum of ten thousand (10,000) square feet of open space developed for active recreation facilities. A manufactured home development that contains 50 or more home sites which are constructed according to a permit to construct issued under the act shall have not less than 2% of the development's gross acreage dedicated to designated open space, but not less than 25,000 square feet.~~
  - ~~b. The total of the land dedicated for open space shall not be less than two percent (2%) of the park's acreage but not less than twenty-five thousand (25,000) square feet.~~
6. A hard-surfaced walkway or patio connecting the dwelling with its off-street parking area shall be provided.
  7. Each lot shall contain an area reserved for the placement of a living unit, the base construction (i.e., foundation, pads, ribbons, etc.) of which shall meet or exceed State specifications.
  8. Each living unit shall be skirted, entirely enclosing the bottom, within thirty (30) days after its placement. In the event of inclement weather and upon

demonstration of extenuating circumstances, an extension may be granted beyond thirty (30) days.

9. Each living unit lot shall be provided with anchors, tie downs or other devices as provided for under Rules 601-609 of the Michigan Department of Commerce Manufactured Home Commission General Rules.
10. ~~Mobile Manufactured home parks development~~, when adjacent to a developed residential zoning district, shall be completely screened by fencing or natural growth along the entire property boundary line abutting the district. If planting material is used for the development of a natural edge, the recommendations of Article XXIII of this Ordinance shall be followed. These requirements may be waived when, in the Planning Commission's opinion, the intent of this requirement has been satisfied.

#### **Proposed Amendments to Article X**

The proposed amendments for Article X would eliminate the setback requirements for apartment buildings in the CBD district and would permit dwellings on the ground floor of mixed use developments:

#### **Section 10.20 Principal Permitted Uses.**

In the CBD, no use shall be permitted, unless otherwise provided in this Ordinance, except for the following:

- A. Apartment buildings, up to a maximum of eight (8) units per building, ~~subject to the following standards:~~
  1. ~~All public utilities are available.~~
  2. ~~All units shall have at least one (1) living room and one (1) bedroom, except that two (2) units may be of an efficiency apartment type.~~
  3. ~~Buildings shall have a ten (10) foot front yard setback, five (5) foot side yard setbacks, and a fifteen (15) foot rear yard setback.~~
- B. Art galleries.
- C. Bus passenger stations.
- D. Business schools and colleges.
- E. Business establishments which perform services on premises such as, but not limited to: banks, savings and loans and credit unions (excluding drive-through branches and drive-through lanes); brokerage houses; insurance, real estate, and travel agencies; pedestrian-oriented automated teller machine facilities.

- F. Churches, temples, and similar places of worship, limited to a capacity of five-hundred (500) worshipers.
- G. Clubs, fraternal organizations, and lodge halls.
- H. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer, limited to two-thousand (2,000) square feet of floor area. Central dry cleaning plants serving more than two (2) retail outlets shall be prohibited.
- I. Essential public services, telephone exchanges, public utility offices, substations and uses when conducted within a completely enclosed building, excluding storage yards, provided the use and building are consistent with the appearance and character of the downtown as determined by the Planning Commission.
- J. Hotels, motels, bed and breakfast inns, and bed and breakfast houses.
- K. Laundromats (self-service or coin-operated).
- L. Medical offices including offices of doctors, dentists and similar or allied professions, with up to ten-thousand (10,000) square feet gross floor area.
- M. ~~Mixed-use buildings, with business, commercial, or service uses on the ground floor, and residential, office, or warehouse uses on upper floors, subject to the conditions of contained herein. Business and office uses may occupy a building used for residential uses provided that no such business or office use may be located on the same floor as used for residential purposes, and no floor may be used for business or office use on a floor located above a floor used for residential purposes. Further, where there is mixed business/office and residential use in a building there shall be provided a separate, private pedestrian entranceway for the residential uses.~~  
*Mixed-use buildings, with residential and all principle permitted uses as specified by this section subject to the following conditions: Residential units located on the first floor shall be located to the rear of the commercial uses, the units shall not have frontage on any adjacent street and shall be provided a separate, private pedestrian entranceway.*

#### **Proposed Amendments to Article XI**

The proposed amendments for Article XI would eliminate the setback requirements for apartment buildings in the TCD district and would permit dwellings on the ground floor of mixed use developments:

#### **Section 11.02 Principal Permitted Uses.**

In a TCD, no building, structure or premise shall be erected, altered, or used, except for one (1) or more of the following uses, unless otherwise provided in this Ordinance (except that conversions of

warehouse or industrial facilities to loft type dwelling units may increase the total number to a maximum of sixteen (16)).

- A. Apartments, up to a maximum of eight (8) units per building, subject to the following standards:
  - 1. ~~All public utilities are available.~~
  - 2. ~~All units shall have at least one (1) living room and one (1) bedroom, except that two (2) units may be of an efficiency apartment type.~~
  - 3. ~~Buildings shall have a ten (10) foot front yard setback, a minimum of one five (5) foot side yard setback and a total of two (2) not less than fifteen (15) feet, and a fifteen (15) foot rear yard setback.~~
- B. Art galleries.
- C. Bed and breakfast inns and homes.
- D. Business establishments which perform services on premises such as, but not limited to: banks, savings and loans and credit unions (excluding drive-through branches); brokerage houses; insurance, real estate, and travel agencies; pedestrian-oriented automated teller machine facilities.
- E. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer. Central dry cleaning plants shall be prohibited.
- F. Essential public services, telephone exchanges, public utility offices, substations and uses when conducted within a completely enclosed building, excluding storage yards, provided the use and building are consistent with the appearance and character of the downtown as determined by the Planning Commission.
- G. Medical offices including offices of doctors, dentists and similar or allied professions, with up to ten-thousand (10,000) square feet gross floor area.
- H. ~~Mixed-use buildings, with business, commercial, or service uses on the ground floor, and residential, office, or warehouse uses on upper floors, subject to the conditions of contained herein. Business and office uses may occupy a building used for residential uses provided that no such business or office use may be located on the same floor as used for residential purposes, and no floor may be used for business or office use on a floor located above a floor used for residential purposes. Further, where there is mixed business/office and residential use in a building there shall be provided a separate, private pedestrian entranceway for the residential uses.~~  
*Mixed-use buildings, with residential and all principle permitted uses as specified by this section subject to the following*

*conditions: Residential units located on the first floor shall be located to the rear of the commercial uses, the units shall not have frontage on any adjacent street and shall be provided a separate, private pedestrian entranceway.*

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Solomon said he appreciates the work of the Planning Commission. All Commissioners are in agreement with the proposed amendments

## **MOTION**

2019-11-145

Moved by Conklin

Second by Page

To approve the first reading of the proposed amendments to the Boyne City Zoning Ordinance to potential barriers to housing development and schedule a second reading for January 14, 2020

Ayes: 5

Nays: 0

Absent: 0

Motion carried

## **Main Street Contract**

Consideration to approve the Boyne City Michigan Main Street Program Community Requirements and Expectations Agreement and authorize the City Manager to execute the documents

Main Street Program Director Kelsie King-Duff said that at the November 8<sup>th</sup> meeting of the Boyne City Main Street Board, the board unanimously approved the Community Requirements and Expectations Agreement with Michigan Main Street. The agreement also needs to be approved by City Commission. The agreement would commit us to remaining a Michigan Main Street community until December 31, 2021. As you may recall, an agreement was signed in January of this year that committed us to being a Main Street community through December of 2020. The Michigan Economic Development Corporation is terminating those agreements (the termination notice is in the middle of page 6 on the new agreement – section 3, number 6). The reason for termination is that all Michigan Main Street communities are now required to be engaged with the Redevelopment Ready Communities program as well. This is outlined in at the bottom of page 3 – numbers 13 & 14. This is not a problem for Boyne City as we were the first community to be both MMS and RRC. There are a few other changes to the agreement, which include: Design Services language at the top of page 5 – number 6. We can now receive 1 design service per year, instead of only what is left from our time as a select level Main Street community (we are now Master Level). This will actually allow us to have more design services overall. There was a lot of discussion at the Main Street board meeting regarding the termination of the old contract, and how the new contract actually does that, since we haven't signed it which means we aren't necessarily agreeing to it.

Ultimately, though, the board decided our hands are basically tied and that if we want to remain a Main Street community we need to sign this new agreement. There is not anything in the new agreement that hurts us, so the Main Street board would like to move forward. In order to maintain our status with the National Main Street Center we must be affiliated with a coordinating program.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement with the recommendation.

**MOTION**

2019-11-146

Moved by Solomon

Second by Page

To approve the Boyne City Michigan Main Street Program Community Requirements and Expectations Agreement and authorize the City Manager to execute the documents

Ayes: 5

Nays: 0

Absent: 0

Motion carried

**Fire Department ATV Purchase**

Consideration to approve the purchase of a Polaris Ranger side-by-side in the amount of \$23,179.97 using donated funds of \$20,000 and authorize the City Manager to execute the documents

Fire Chief Dennis Amesbury said the Fire Department has been fundraising to purchase a side by side ATV to use for emergencies at Avalanche, the surrounding bike trails and special events in our parks. We have an anonymous donor that will donate \$20,000 towards this purchase and the rest of the funds are available thru funds raised.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement with the recommendation

**MOTION**

2019-11-147

Moved by Grunch

Second by Solomon

To approve the purchase of a Polaris Ranger side-by-side in the amount of \$23,179.97 using donated funds of \$20,000 and authorize the City Manager to execute the documents

Ayes: 5

Nays: 0

Absent: 0

**Employee Health  
Insurance / Health  
Savings Account  
Contribution**

Motion carried

Consideration to authorize the City Manager and City Clerk / Treasurer to take the steps necessary to move to the Priority Health health insurance option identified as PH8 and increase the City's annual Health Savings Account contributions by \$250 and \$500 per covered employee per category until changed.

City Manager Cain stated every year about this time we receive our employee insurance quotes for the coming year. For the last several years the increases for health insurance have been in the five percent or less range. This is much better than the regular double digit increases we were seeing prior to that. This year the proposed increase for our health insurance was pretty close to double digit at nine 9%. There were no increases for our dental or optional vision coverages.

Each year we have our representative Denise Lewaniak from our insurance agency Korthase Flinn review options with representatives of our full-time employees who receive these benefits. They look at options from our current carrier Priority Health and also check the market to see if other providers (Blue Cross, McLaren, etc.) have competitive plans that we may wish to consider. The other carriers did not have competitive options for us to consider. Priority Health, as you can see on the attached pages, did have various options with various coverages at various price levels.

Our employees are generally satisfied with the coverage we have had thru Priority Health. It is a high deductible plan and the City makes an annual contribution to the employees HSA plan who have it. The current plan is detailed on the top of page 3 as A) and all of page 5. To maintain our current coverage (with a minor tweak to provide additional chronic medical coverages) would lead us to renew with the option shown on page 3 as B) PH1.

In reviewing all the options, we determined that by moving to plan C) PH8 on page 4 then implementing the City employee cost sharing as shown at C) in the middle of page 6 we can provide employees similar final dollar coverages to what they have now with small cost increases for both the employee and the City. We would accomplish this by taking much of the savings the City would get by going with the PH8 option and sharing that with the covered employees by increasing their HSA contributions by \$250 per year per employee only coverage and \$500 for employees with two person and family coverages. This also decreases the amount of the employees increased costs from \$107.33 to \$41.96 per year for an employee only, \$236.14 to \$82.31 for two person and from \$295.15 to \$77.90 per year for family coverage. Everyone and the City still pays more but by switching plans the increases are much less and the overall year end benefits remain similar to what we have now.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement with the recommendation

2019-11-148  
Moved by Conklin  
Second by Page

**MOTION**

To authorize the City Manager and City Clerk / Treasurer to take the steps necessary to move to the Priority Health health insurance option identified as PH8 and increase the City's annual Health Savings Account contributions by \$250 and \$500 per covered employee per category until changed.

Ayes: 5  
Nays: 0  
Absent: 0  
Motion carried

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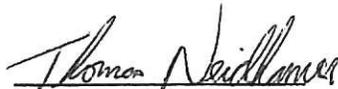
None

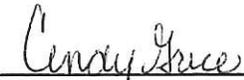
**Good Of The Order**

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Motion by Mayor Neidhamer, second by Mayor Pro Tem Grunch to adjourn the Regular City Commission meeting of Tuesday, November 12, 2019 at 8:26 p.m.

**ADJOURNMENT**

  
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Tom Neidhamer  
Mayor

  
\_\_\_\_\_  
Cindy Grice  
Clerk/Treasurer