

REGULAR CITY COUNCIL MEETING
November 28, 2006

The Regular City Council Meeting was called to order by Mayor Muschell in the Council Chambers in the City Hall at 7:00 p.m. The proceedings were as follows:

Present: Council Members Muschell, Boardman, Tebo, Lepp, Riddle, McCauslin and Charboneau

Mayor Muschell led the Pledge of Allegiance to the Flag.

Approval of Agenda and Receive and File all Communications

Councilman McCauslin moved to approve the agenda as presented and receive and file all communications. Seconded by Councilman Charboneau. Motion carried unanimously.

Correction and Approval of Prior Meeting Minutes

- **Regular City Council Meeting – November 14, 2006**

Councilman Charboneau moved to approve the minutes of the November 14, 2006 Regular City Council Meeting as presented. Seconded by Councilman McCauslin. Motion carried unanimously.

Public Comments

Public comment portion of the meeting opened by Mayor Muschell.

There were none.

Public comment portion of the meeting closed by Mayor Muschell.

Public Hearings

- **Consideration of an Ordinance to Amend the City Code of the City of Cheboygan Adopting the 2003 Edition of the International Property Maintenance Code, which Regulates and Governs the Conditions and Maintenance of all Buildings and Structures; Provides the Standards for Supplied Utilities and facilities and Other Physical Things and Conditions Essential to Ensure that Structures are Safe, Sanitary and Fit for Occupation and Use; and the Condemnation of Buildings and Structures Unfit for Human Occupancy and Use; and the Demolition of Such Existing Structures in the City of Cheboygan; Provides for the Issuance of Permits and Collection of Fees**

Public Hearing portion of the meeting opened by Mayor Muschell.

City Manager McNeil explained that the adoption of the Property Maintenance Code into the City's Code of Ordinances would provide another tool to address the objective in the Strategic Plan relative to blight. He added that this Code addresses buildings without property maintenance and would provide the City with a tool to inspire the property owner to meet conditions of the Code or the City could avail itself to enforcement measures within the Code. Councilwoman Lepp questioned if other tools are currently in place. City Manager McNeil explained that the City has Blight and Nuisance Ordinances that can assist with resolving blight issues; however, this proposed Ordinance is more specific. Mayor Muschell questioned if the Zoning Board of Appeals would handle the appeal process. City Manager McNeil replied he would like to consult the City Attorney to determine if the Zoning Board could serve in that capacity and if not, then a three-member Board would need to be

appointed. Councilman McCauslin questioned if a combined Board consisting of one member of Council, a member of the Zoning Board of Appeals and a member of the Planning Commission or something of that nature would be logical if the Appeals Board were appointed by the City Council. City Manager McNeil explained that may be possible; however, he noted within the rules that a member of that Appeals Board cannot be an employee of the City and he is unsure if the City Council falls under that category as Council does receive compensation. He added that issue should also be verified by the City Attorney. Councilman McCauslin asked if it would be prudent to adopt this proposed Ordinance prior to receiving final word from the City Attorney. City Manager McNeil stated that in his opinion it would, explaining that without having this Ordinance in place there is no authority for Council to actually set up the Appeals Board if need be, so this should be in place.

No comments by the public were offered. Public Hearing portion of the meeting closed by Mayor Muschell.

Councilman Tebo moved to adopt the Ordinance to Amend the City Code of the City of Cheboygan Adopting the 2003 Edition of the International Property Maintenance Code as presented. Seconded by Councilman Boardman.

Yes votes: Council Members Lepp, Tebo, McCauslin, Muschell, Riddle and Boardman

No votes: Councilman Charboneau

Motion carried.

- **Consideration of an Ordinance to Amend Section 70.01 of the Cheboygan City Code of Ordinances Entitled “Uniform Traffic Code Adopted” by Repealing that Entire Section and Enacting a New Ordinance to Adopt by Reference the Uniform Traffic Code for Cities, Townships and Villages**

Public Hearing portion of the meeting opened by Mayor Muschell.

City Manager McNeil deferred to Chief Jones for a report. Chief Jones stated that this amendment is to bring the City’s Uniform Traffic Code up to date with all the amendments and changes in traffic code through the State that have taken place in the past twelve to twenty four months.

No comments by the public were offered. Public Hearing portion of the meeting closed by Mayor Muschell.

Councilman McCauslin moved to Amend Section 70.01 of the Cheboygan City Code of Ordinances entitled “Uniform Traffic Code Adopted” by repealing that entire Section and enacting a new Ordinance to adopt by reference the Uniform Traffic Code for Cities, Townships and Villages. Seconded by Councilman Charboneau. Motion carried unanimously.

- **Consideration of an Ordinance to Amend Sections 70.02 and 70.99 of the Cheboygan City Code of Ordinances Entitled “Michigan Motor Vehicle Code Adopted” by Repealing those Entire Sections and Enacting a New Section 70.02 to Adopt by Reference the Michigan Motor Vehicle Code for Cities, Townships and Villages**

Public Hearing portion of the meeting opened by Mayor Muschell.

City Manager McNeil explained that this proposed amendment is the same type of housekeeping measure as the previous ordinance adoption in that the City is looking to update Ordinances with all of the amendments and changes that have taken place with regard to the Motor Vehicle Code.

No comments by the public were offered. Public Hearing portion of the meeting closed by Mayor Muschell.

Councilwoman Riddle moved to adopt an Ordinance to amend Sections 70.02 and 70.99 of the Cheboygan City Code of Ordinances entitled “Michigan Motor Vehicle Code Adopted” by repealing those entire Sections and enacting a new Section 70.02 to adopt by reference the Michigan Motor Vehicle Code for Cities, Townships and Villages. Seconded by Councilman Boardman. Motion carried unanimously.

Boards and Commission Reports

- **Cheboygan Department of Public Safety Monthly Statistics – October 2006**

The Department of Public Safety Monthly Statistics for October 2006 were received and reviewed.

- **Regular Human Relations Board Meeting – November 16, 2006**

City Manager McNeil reported that the Human Relations Board is finalizing and putting together details relative to the annual Martin Luther King Day event, adding that “Empathy” was adopted as the theme for the essay contest and that Board Member Curt Chambers has agreed to be the key note speaker for the event. Additionally, discussions were held with Ms. Renee Harrington relative to serving on the Human Relations Board. City Manager McNeil commented that consideration of her appointment comes with the recommendation of the Human Relations Board.

- **Regular Planning Commission Meeting – November 20, 2006**

City Manager McNeil stated that the Planning Commission turned over two Ordinance drafts to the City Attorney to put into legal form; one draft is a Planned Unit Development Ordinance which is meant to replace the current Planned Project Ordinance and the other draft is an Ordinance that would regulate storm water flow. He noted that the Planning Commission continues to work on the Riverfront Development Plan and will be working on that for quite some time. City Manager McNeil commented that once the draft Ordinances are put into legal form, the Planning Commission will have one more review of the drafts prior to being presented to Council.

Resolutions

- **Consideration of a Request from Charley Watson, Ice Rink/Pavilion Manager for Approval of a Local Governing Body Resolution for Charitable Gaming Licenses for a Raffle**

Councilman Boardman moved to approve the Local Governing Body Resolution for Charitable Gaming Licenses for a raffle. Seconded by Councilman Tebo. Motion carried unanimously.

Councilman Charboneau asked when Council will receive a report on the Ice Rink/Pavilion. City Manager McNeil commented that he has initiated two verbal requests for a report and will soon be issuing a written request.

- **Consideration of Resolution of Appreciation for Jeffrey L. Hansen for his Service on the Planning Commission**

Councilman McCauslin moved to approve the Resolution of Appreciation for Jeffrey L. Hansen for his service on the Planning Commission. Seconded by Councilman Tebo. Motion carried unanimously.

General Business

- **Consideration to Reappoint Mr. Richard Sangster to the Downtown Development Authority Board of Directors, Term to Expire September 13, 2010**

Councilman Tebo moved to reappoint Mr. Richard Sangster to the Downtown Development Authority Board of Directors with a term to expire September 13, 2010. Seconded by Councilwoman Lepp. Motion carried unanimously.

- **Consideration to Appoint Ms. Renee Harrington to Civil Rights-Human Relations Board – Term to Expire October 14, 2009**

City Manager McNeil noted that Ms. Harrington is present to answer questions. He commented that Ms. Harrington is very involved in Native American activities as well as other activities and would be a very good member of the Board. City Manager McNeil added that her appointment comes with a recommendation from the Human Relations Board.

Councilman McCauslin moved to appoint Ms. Renee Harrington to the Civil Rights-Human Relations Board with a term to expire October 14, 2009. Seconded by Councilman Tebo. Motion carried unanimously.

City Clerk's and Treasurer's Comments

- **November General Election**

Clerk/Treasurer Kwiatkowski stated that notice was received from the Board of Canvassers that the election process for the City was approved. He commented on the exceptional job the precinct chairwomen and staff did for the election and that there was a little better than a fifty percent turnout of registered voters.

- **Retiree Health Care**

Clerk/Treasurer Kwiatkowski stated that he met with an independent insurance agent this morning regarding retiree health care and that he is currently exploring what options are available other than Priority Health and Blue Cross. He commented that one option for consideration is a healthcare reimbursement account. Clerk/Treasurer Kwiatkowski added that he would like to see retirees choose their own health care package when they retire. He added that the ability to offer the City's portion toward the cost of premiums for the retiree as a tax free benefit is also being investigated and that he is waiting for a determination from the City's auditors on the viability of that plan. Clerk/Treasurer Kwiatkowski commented that he will provide a report to Council the first meeting in December.

City Manager's Report

- **Northern Lakes Economic Alliance (NLEA) Activity**

City Manager McNeil referred Council to an outline of the Northern Lakes Economic Alliance which includes their program of work, some detailed information on recent activity that was discussed at the last Board meeting, and some statistical data that Council may find interesting, if not alarming, relative to the loss of 800 manufacturing jobs within the four county region that includes Antrim,

Charlevoix, Cheboygan and Emmet Counties between 2000 and 2004. He commented on the positive aspect of Cheboygan County joining the Alliance and trying to assist with developing and retaining jobs, not only in the manufacturing area but to also diversify that economic base. City Manager McNeil noted he felt it was important that Council review that information and the activities of the NELA relative to business attraction, start-up, agri-business and other issues.

- **Cheboygan Brownfield Assessment Project (EPA Grant) Update**

City Manager McNeil reported that as Council is aware, Cheboygan County, in partnership with the City of Cheboygan, has received two grants from the EPA to conduct Brownfield assessments for petroleum impacted sites and also sites impacted by hazardous materials. He noted that Requests for Qualifications for consultants that would actually do that work have been sent out and that responses are due here at City Hall this Thursday. City Manager McNeil stated that a three-member review team consisting of himself, County Administrator Mike Overton and Ms. Lisa Fought from the Northern Lakes Economic Alliance will be reviewing the Request for Qualifications and they look forward to making a recommendation to the Cheboygan County Board of Commissioners on a consultant for that program and getting the program officially started probably by this spring.

Messages and Communications from Mayor and Council Members

- **Lincoln Avenue Bridge**

Mayor Muschell commented that the letting for the Lincoln Avenue Bridge is set for February 2, 2007 and that the estimated cost of construction is \$4.1 million, with the City's cost being 5 percent. City Manager McNeil stated that once the costs are determined from the bids, we will know exactly how much money we have left to come up with and we will be going out for bonds at that point. Councilman Charboneau asked about the grant for the Duncan Avenue water main project. City Manager McNeil stated that the grant application was submitted and a response is pending.

- **December Board of Review**

Councilman McCauslin asked if the December Board of Review has been scheduled. City Manager McNeil stated that a notice was given for December 12, 2006.

Adjournment

Councilman McCauslin moved to adjourn the meeting at 7:32 p.m. Seconded by Councilman Boardman. Motion carried unanimously.

Mayor James Muschell

City Clerk Kenneth J. Kwiatkowski

Councilman Scott McCauslin

Councilman Gerald R. Boardman

Councilwoman Winifred L. Riddle

Councilman Charles Charboneau

Councilman Leslie A. Tebo

Councilwoman Theo Lepp