

**REGULAR CITY COUNCIL MEETING**  
**May 9, 2017**

The Regular City Council Meeting was called to order by Mayor Bronson in the Council Chambers at City Hall at 7:00 p.m.

**Roll Call:**

Present: King, Kwiatkowski, Riddle, Bronson, Temple and Couture

Absent: Lavender

Mayor Bronson led the Pledge of Allegiance to the Flag.

**Approval of Agenda, and Receive and File all Communications:**

City Manager Eustice stated there is an addition to the Agenda, 10-B, Consideration to Schedule a Public Hearing for June 13, 2017 regarding Expansion for the DDA Boundaries. There was a public hearing scheduled for May 23, 2017, which appeared in today's newspaper, but the DDA Statute for DDA expansion of boundaries requires a 20-day notice prior to that meeting; therefore, we will need to reschedule it for June 13, 2017.

Mayor Pro Tem Couture moved to approve the Agenda with the addition of 10-B, Consideration to Schedule a Public Hearing for June 13, 2017 regarding Expansion for the DDA Boundaries, and receive and file all communications; supported by Councilman King. Motion carried unanimously.

**Approval of Prior Meeting Minutes:**

Mayor Bronson noted a correction in the last paragraph under Mayor and City Council comments – change google.com to doodle.com.

Mayor Pro Tem Couture moved to approve the Regular City Council Meeting Minutes of April 25, 2017 as presented; supported by Councilman Temple. Motion carried unanimously.

*Councilman King moved to excuse Councilman Lavender; supported by Councilwoman Kwiatkowski. Motion carried unanimously.*

**Public Hearings:**

**An Ordinance to Amend Section 90.01 (Animals Prohibited) of Chapter 90 (Animals) of the City Code of Ordinances and Add a New Section 90.09, Chickens** - Mayor Bronson opened the public hearing. There were no public comments. Mayor Bronson then closed the public hearing. He then stated any questions he had have been addressed. City Manager Eustice stated there will be an amendment to Section 90.01, Animals Prohibited, by adding to the end of the sentence: *domesticated* household pets and *chickens*. The new Section, being 90.09, Chickens, is an addition to the current

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Ordinance. Councilwoman Riddle asked if the things discussed at the previous meeting have been addressed in this Ordinance, i.e. licensing or permitting and a fee to be charged, in addition to when the coop needed to be built. City Manager Eustice replied everything has been addressed. Councilwoman Riddle asked if a conditional permit is issued and then a permanent permit following completion inspection. City Manager Eustice explained the coop has to meet all the qualifications contained in the Ordinance (pass inspection) before a permit is issued. Mayor Bronson commented we did not want to have people spending hundreds of dollars on a coop without having a license/permit. Mayor Bronson then mentioned the language dealing with minimum setbacks. City Manager Eustice replied the language states the coop has to be closer to the residence that the chickens are housed on, then the back property line, so it is not closer to your neighbor's property line than your own residence. Mayor Pro Tem Couture inquired as to free range chickens, stating we have some in the City. City Manager Eustice stated free range chickens are not allowed, noting some investigation has been done and those situations will be addressed as everybody will have to abide by this Ordinance. Councilman Temple stated his feelings on the chickens is that we should not have chickens in town. We are trying to get the City cleaned up and we are having a hard time now getting things cleaned up. He does not feel it is a good idea. Mayor Bronson then commented chickens are not allowed to hatch. City Manager Eustice stated that is correct; they are allowed to have eggs for the owner's use. Mayor Bronson said part of the endeavor to do this is that many cities are now allowing the raising of chickens in city limits as a reason for people to not have to move outside the city limits to have chickens. No roosters are allowed.

Motion by Riddle to adopt an Ordinance to Amend Section 90.01 (Animals Prohibited) of Chapter 90 (Animals) of the City Code of Ordinances and Add a New Section 90.09, Chickens; supported by Councilman King. A roll vote was taken. Yes votes: Couture, King, Kwiatkowski, Riddle and Bronson No votes: Temple Motion carried.

### **Bills and Disbursements:**

#### **▪ Prepaid Bills and Disbursements for the Month of April 2017.**

Mayor Bronson inquired as to the payment to the Cheboygan Area Arts Council asking if it is quarterly. Clerk/Treasurer Kwiatkowski replied it is a \$21,000.00 subsidy, and payments are made whenever the CAAC asks for it during the fiscal year, usually three times. Mayor Pro Tem Couture inquired as to a scheduled update from the CAAC. City Manager Eustice replied the update is done once per year and they are ready to do an update soon. Mayor Pro Tem Couture suggested we ask Ms. Pryzynski for an update. City Manager Eustice stated he will ask for it for the next meeting, as we would like to have it before our next budget. Mayor Pro Tem Couture stated he would like to see data, if she has it, on the usage of the Opera House and where people are coming from to use it, i.e. someone buying a ticket, schools, etc. He feels this information would be very important with some of the conversations Council has had. Councilwoman Riddle commented outlying communities also use the Opera House for school programs.

Councilman King inquired on the payment to MCG Web Development, Inc., asking if this is for general maintenance or work being done on the new site. City Manager Eustice replied that is for renewal of the contracts with regard to general maintenance/web hosting of multiple sites.

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Mr. Raymond Lofgren inquired on the payment to Inverness Township. Clerk/Treasurer Kwiatkowski explained the City actually collects part of the Township's debt service with the sewer collection. Once per quarter he sends a check to the Township for debt service on the sewer. Mr. Lofgren asked if the sewer bill is all collected by the City. City Manager Eustice replied yes, all of their debt including operation and maintenance.

Councilman King moved to approve the prepaid bills and disbursements for the month of April 2017 in the amount of \$543,667.39; supported by Councilman Kwiatkowski. A roll call vote was taken; motion carried unanimously.

### ▪ **Unpaid Bills and Disbursements for the Month of April 2017.**

Councilwoman Riddle moved to approve the unpaid bills and disbursements for the month of April 2017 in the amount of \$28,927.31; supported by Mayor Pro Tem Couture. A roll call vote was taken; motion carried unanimously.

### **Department, Boards and Commission Reports:**

▪ **Downtown Development Authority Meeting, April 18, 2017** - City Manager Eustice mentioned the public hearing for the expansion of the DDA boundaries has been set for June 13, 2017 and notification will be mailed to all property owners in the DDA District. Councilwoman Riddle asked when the notification has to be mailed. City Manager Eustice replied we have about 14 days to get that done.

### **General Business:**

▪ **Consideration to Schedule a Public Hearing for May 23, 2017 for the Application to the USDA for Grant Funding to Cover the Cost of Equipment Purchase (Patrol Vehicles and Equipment) for the Department of Public Safety** - City Manager Eustice stated this is a requirement that we set a public hearing to basically review the grant application. We are applying to the USDA for \$50,000.00 to help us purchase two police vehicles in the upcoming budget year. A public hearing is required. Councilman King asked if we are okay timewise. Chief Jones replied a 10-day notice is required.

Councilwoman Riddle moved to schedule a Public Hearing for May 23, 2017 for the Application to the USDA for Grant Funding to Cover the Cost of Equipment Purchase (Patrol Vehicles and Equipment) for the Department of Public Safety; supported by Councilman Temple. A roll call vote was taken; motion carried unanimously.

### ▪ **Consideration to Schedule a Public Hearing for June 13, 2017 for Consideration of Expansion of the DDA Boundary.**

Councilwoman Kwiatkowski moved to schedule a Public Hearing for June 13, 2017 for consideration of expansion of the DDA boundary; supported by Mayor Pro Tem Couture. A roll call vote was taken; motion carried unanimously.

### **Public Comments:**

Mr. Roger Kopernik introduced himself stating as far as the Meijer's negotiations and everything are concerned, as a citizen he really wants it here like everybody else, but he knows the perception is that

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the City has to foot the bill for everything. He feels it is a long-term investment and would like City Manager Eustice to make effort possible, and he would volunteer to be involved somehow in negotiations. He knows we are not going to see anything until 2020 and would like the City to take another bite of the apple somehow/someway and feels something can happen that we can come together on. He knows it is a strain for the City and believes without a shadow of a doubt that for the future, it is an opportunity that is just slipping further away. City Manager Eustice commented the City's committee has a scheduled meeting tomorrow afternoon at 2:00 p.m. at Inverness Town Hall with the Township's committee. The committees are working on a 425 Agreement and the entire project. Councilwoman Riddle asked if that meeting is open where Mr. Kopernik could attend. City Manager Eustice replied no, it is not a public meeting. Mr. Kopernik commented he thinks Inverness is going to have to pull some parcels out of their DDA to push the 425 Agreement through. As a resident, he does not care if the City has to bite the bullet and thinks in the future the City will benefit, noting in the long-term and short-term it sounds like a hardship. Mayor Bronson informed Mr. Kopernik there have been meetings about this; it's not like nothing has been happening. Mr. Kopernik stated the last he knew, Mr. Jones was told that Meijer's was going to have to pay for it all. Mayor Bronson clarified Meijer's was asked to pay for it all and they were also asked if there was any way to move it up on the schedule and the City was told no way, we are not on their radar. Councilwoman Riddle commented the Meijer's location is in Inverness Township and the City has been bending over backwards to facilitate getting Meijer's here. For the City residents to absorb the costs, unconscionable. Mr. Kopernik stated he appreciates her opinion, but that is not his opinion. If Meijer's cannot pay for it all it might be up to the City to do something and it is a tough negotiation with Inverness and thinks it will be the City's responsibility, one way or the other, to help coordinate that and get the water line out there. Mayor Bronson stated nothing is off the table. Clerk/Treasurer Kwiatkowski asked Mr. Kopernik why he is not asking the Township to pay for the infrastructure. Mr. Kopernik answered it is hard to get the Township together and quite honestly he thinks there are a couple in the Township that don't want it there. He feels there are some people in the City of Cheboygan that don't want it. From what he observed at all the negotiations, it is like the City is trying to take over the land and it is up to the City to figure it out.

Ms. Sherry Nelson stated she is with the Bring It Cheboygan Group to revitalize Main Street. They are excited about the second round of training coming next week for Michigan Main Street. Some of the volunteers and City personnel will be going to it. Following that, we are taking the communications portion of the suggested program to the next level of volunteers and they are holding a seminar at the Library in June to present a PowerPoint they have sent to them of the Program. Ms. Nelson invited Council to attend and hopes City Manager Eustice will take part representing the DDA, because it is a partnership with the City and the DDA to work together through the Main Street revitalization in downtown Cheboygan economic restructure. Ms. Nelson then asked if the sharrows are soon being painted. City Manager Eustice answered either next week or the week after. Ms. Nelson then asked if there is anything regarding the community garden spot. City Manager Eustice replied they are going to try and put together a community meeting, noting he has been working with Mr. Bruce Gauthier who is heading that up. The meeting will either be this week or next week and it will be published in the paper for interested parties to meet and talk about the community garden. Ms. Nelson then inquired as to any further discussion on the "bunny wall". City Manager Eustice stated Chief Jones had Mr. Lance McKay look at it and it appears we might be able to remove it, which has always been the question. The wall is not repairable and needs to be removed and the wall behind it

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secured, which is costly. This project will have to go out for bids and the City will need to find the financing to do that. He explained the wall behind is not the City's. Ms. Nelson asked if that would not be the building owner's responsibility. City Manager Eustice stated the City will have to work with the building owner especially if we are going to be putting anything on it, i.e. mural. Once the wall is removed that the City owns, the wall remaining is the building owner's wall and if they say don't touch it, then we can't touch it. Ms. Nelson asked if there is a timetable established. City Manager Eustice replied not really, but it is definitely going to have to go into the next budget year after July 1. He does not know if it will be done that early in the budget year or not. Councilwoman Riddle asked if that wall was part of the wall on the Woolworth Building or was it a separate wall. City Manager Eustice answered it was there before the Woolworth Building was built and it was likely a firewall from the previous building. Councilwoman Riddle asked if there are any Festival Square funds left. City Manager Eustice replied no. Mayor Bronson commented he was unable to attend the Bring It Cheboygan Group's last meeting as he already had a meeting scheduled for that time, noting he will try and make a meeting.

County Commissioner Richard Sangster commented on clarification to the point of the meeting tomorrow stating an amendment dated April 9, 2017 off the State's website: "Meetings and Decisions and Deliberations – A meeting of the public body shall be open to the public and shall be held in a place available for the general public. All persons shall be permitted to attend....." Commissioner Sangster then stated if the City is deliberating or anything is going to happen, it should be open to the public. He noted legal counsel can clarify this. City Manager Eustice thanked Commissioner Sangster. Councilman Temple inquired as to not being able to have a closed meeting. Clerk/Treasurer Kwiatkowski replied it all falls under the Open Meetings Act, noting if you are having a work session, like they had tonight for the budget, and tomorrow's meeting between Inverness and the City, they are all open meetings. There are only certain meetings that can be closed like contract negotiations, discipline meetings, and sale of land or purchase. Anything that has any kind of deliberation, even if they aren't going to act on anything is still is an open meeting. Mayor Pro Tem Couture inquired on committee meetings. Clerk/Treasurer Kwiatkowski stated committee meetings are open. Councilman Temple questioned being able to accomplish anything. Commissioner Sangster noted there are guidelines in the rules for orderly conduct and you have to set the rules of the meeting per each meeting.

### **City Clerk's and Treasurer's Comments:**

- **Cemetery** – Clerk/Treasurer Kwiatkowski stated we are open for business at the Cemetery for the year. We have been selling graves and Ms. Gracie Larson is doing a really nice job cleaning up and getting it ready for Memorial Day Weekend. Councilman King commented he stopped in there over the last couple of weeks and noticed more than other years how nice it is cleaned up and it is a great job. Councilwoman Riddle stated it has probably made a difference that a bunch of the older trees that were doing a lot of shedding are gone now, so it makes it a lot easier to keep it up. Clerk/Treasurer Kwiatkowski noted 27 trees did not shed their leaves in the fall.

### **City Manager's Report:**

- **State Street Bridge** - City Manager Eustice reported the State Street Bridge Project is coming to a close. They are not finished yet as they have minor things to do under the Bridge and also seal the deck (top part of the Bridge), which the weather conditions have not been ideal for yet. It is probably

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a week or two away. When they seal the deck, it will go back down to one lane and may be as long as a week. City Manager Eustice then stated ferry service will not be interrupted.

**Messages and Communications from Mayor and City Council Members:**

- **Kiwanis Park** – Councilman King asked if everything is running on schedule smoothly with Kiwanis Park, having noticed trees are being removed. City Manager Eustice replied the water and sewer lines are capped. An audience member commented the hold up now is with the DEQ and as soon as Kiwanis gets the permit they need from the DEQ, they are ready to go. City Manager Eustice explained that even though it is an open-air pavilion you still have to get an environmental permit from the DEQ to make sure there is no asbestos in there or any environmental contaminates. Once they have the DEQ permit, the brown open-air pavilion will come down.
- **Cheboygan Area Arts Council Executive Director** – Mayor Bronson informed Council that Mrs. Pryzynski will be retiring at the end of the season and the CAAC is now looking for a new director, asking if the City Manager is participating in this. City Manager Eustice replied not that he is aware of. Mayor Bronson commented he was involved when Mrs. Pam Westover was hired and at that time they included a City Council Member in the search committee. City Manager Eustice stated that makes sense and he will ask Mrs. Pryzynski. Councilman King stated he would volunteer. Mayor Bronson commented it is appropriate that the City Council have a seat there.
- **Community Garden** – Councilwoman Riddle commented there will be a gentleman plowing the space, but it is too wet now and has to dry up a little bit. A meeting is going to be very important because we are going to need to have crews to help get things in place once everything is plowed. They are making progress. Councilwoman Kwiatkowski inquired as to Poison Ivy. Councilwoman Riddle replied she did not see any although DPW Director Karmol said it was there.

**Adjournment:**

Councilman King moved to adjourn the meeting at 7:43 p.m.; supported by Councilwoman Kwiatkowski. Motion carried unanimously.

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Mayor Mark C. Bronson

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Clerk/Treasurer Kenneth J. Kwiatkowski

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Councilman Joseph Lavender

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Councilwoman Winifred L. Riddle

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Councilman Vaughn Temple

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Councilman Nathan H. King

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Mayor Pro Tem Nicholas C. Couture

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Councilwoman Betty A. Kwiatkowski