

CITY OF CHARLEVOIX
SPECIAL JOINT CITY COUNCIL/CITY PLANNING COMMISSION MEETING MINUTES
Wednesday, September 12, 2012 — 7:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

The meeting was called to order at 7:00 p.m. by Mayor Norman L. Carlson, Jr.

I. Pledge of Allegiance

II. Roll Call of Members Present

Mayor: Norman L. Carlson, Jr.
City Manager: Rob Straebel
City Planner: Mike Spencer
City Clerk: Carol A. Ochs
Members Present: Council members Bryan Vollmer, Shane Cole, Lyle Gennett, Dennis Kusina, Jill Picha, Greg Stevens
Planning members Chair John Hess, Vice Chair Francis Flanders, Dan Buday, Becky Doan, Judy Clock, John Elzinga, Sherm Chamberlain
Absent: Planning members Toni Felter, Larry Boog

III. Inquiry Regarding Possible Conflicts of Interest

Councilmember Shane Cole will abstain from the fireplace discussion, as his wife works for DTE.

Planning Commissioner Sherm Chamberlain explained that his firm set two pins for the project, and he has waived the fee. Mr. Chamberlain said that this is what drew his attention to the fact the project had not been approved by the Planning Commission as a capital improvement project in the park. The Attorney has determined this was not a conflict of interest because the fee has been waived.

The Mayor clarified that the City's legal opinion was that capital improvements for a current park do not need to go through the Planning Commission.

IV. Requests, Petitions, and Communications and Actions Thereon

A. Discussion Regarding Community Fireplace
Councilmember Cole stepped down from the dais.

The Mayor reviewed that the previous meeting had a lot of public input, and Council had expressed a desire to halt the project to gather information on their options. The Mayor said the Planning Commission had met on Monday, September 10, and discussed the fireplace as an agenda item, but held off on making an official recommendation because of lack of information. Due to the need for additional information, the Mayor thinks it is unlikely either board will make a final decision or recommendation tonight.

The Mayor reviewed Council's options. One option would be to suspend their rules to open up the possibility of passing a series of motions that would reverse the action. Another option would be not to take any action and continue with the plan with no modifications. Council also has the option to modify the project in a variety of ways, such as height, style, or location. The final outcome will probably be a compromise; not everyone will be happy, but hopefully it will be a decision that will be liked by most people. Council does not have enough information to make those decisions tonight. They don't have definite costs involved in moving or modifying the fireplace, however an estimate to completely remove the structure is fairly accurate.

The Mayor invited John Winn to the podium for questions. The Mayor explained that Council had not wanted to make a decision on removing or moving the fireplace until they knew how they could pay for what was there. Council also wanted to know whether the donor was open to moving the fireplace and whether he was still committed to the project if the deadline could not be met. The Mayor understands there has been some movement from the group opposed to the fireplace to help raise funds to cover the costs. All of these are unknown factors and will take more than a week to explore. The Mayor asked Mr. Winn for a report.

Mr. Winn said he had met separately with park architect Mark Buday and the donor. Mr. Buday is willing to get involved for free, but he needs 60 days to wrap up some other projects. He is willing to look at all aspects of the fireplace project: leaving it, moving it, redesigning it – and the cost involved with all the options. The donor understands that if Mr. Buday is not able to start for 60 days and it takes time for people to come to a consensus the project will be too late for this year. The donor is willing to hold the project until next spring. If in 60 days, the City determines the project is off, he wants the money back that he has invested in the project so far. This is approximately \$19,400, but may decrease if the custom logs that have been ordered can be returned. Mr. Winn proposed that in 60 days, Mr. Buday will give a presentation, make a recommendation, and hopefully the community can decide what it wants to do. Mr. Winn is not opposed to putting the fireplace somewhere else in the park.

The Mayor confirmed with the Planning Commission and the Council that they did not have enough information to make a final decision tonight. The Mayor reviewed that the options could be to scrap it, modify height and size, or move it. He doesn't think Council currently has enough support to either leave it the way it is or have it go away without exploring all the options.

The Mayor opened the item to public comment at 7:12 p.m.

Ruth Willis proposed putting the fireplace by an ice skating pond by a beach where there is more versatility and land.

The Mayor stated that everything would be considered when there is more information available. Part of the issue will be if there are funds available to recoup the costs in order to move it. A lot of grandiose alternatives have been suggested that there are no funds for. People need to look at the project with common sense.

A member of the audience asked if the fireplace is a memorial and if there are rules about sizes for memorials.

The Mayor said that he hadn't viewed the project as a memorial. People often give things in the name of someone, and that doesn't necessarily make it a memorial. The Mayor said that everything about this project has brought up a lot of different questions that will need to be addressed in the future. The Manager agreed that he did not consider the fireplace a memorial either, though there will be a small plaque attached to the fireplace. The Mayor pointed out there is also a plaque on the Odmark pavilion.

Rick English said that it would be helpful if Mark Buday could come back with several different suggestions. If he comes back recommending the project the way it is, we may find ourselves back in same position.

The Mayor stated that decisions, progress updates, and public input would be made at Council meetings. If the project won't start until spring, Council won't be in a rush.

John Winn clarified that Mark Buday recommends presenting different alternatives and the costs associated with those alternatives. Mr. Winn also said that he is not against having guidelines for memorials, but stated that there are plaques at the Odmark Pavilion and the Harbormaster building, that many of the fountain donations are listed as being in memory of someone, and there are memorial benches. The donor has proposed an 11" x 14" plaque, which is smaller than the plaque on the Harbormaster building. The donor has also proposed the initial tagline to read: "Stop for an hour. Stay for a lifetime."

Wendy Hoyt said that she wanted to say some thanks and talk about the next steps in the process. She thinks everyone present is a good person and they all care about the City very much. Regardless of how it got here, she wants to thank the City Council for pausing, reflecting, and engaging the community. Ms. Hoyt also thanked the engaged citizens, as well as the donor and Mr. Winn for their generosity. She hopes that we can have a healing as a community. She asked Council to keep the process moving forward and as open and transparent as possible, with clear and detailed timing for the next steps so the people can stay engaged. She suggested having some criteria to evaluate Mr. Buday's proposals. She hopes there will be opportunity for public input, possibly using the City website. She suggested that proposed renderings could be available on the website as well and that the process allows everyone to be heard, even if they don't get what they want.

Jean Morrow said that she likes the idea of Mr. Buday coming in and giving some ideas. She would like to see scale drawings for any proposals.

The Mayor informed people that these are all the reasons Council wants to consider. The Mayor clarified that, before Mr. Buday could design anything, he will need to be provided with information and receive input at meetings and discussions. Council will be looking at all their options and all the costs associated with those options. The Mayor said that everything would be transparent and out in the open; the City has not had any closed meetings or violated any quorums regarding this project outside of a posted meeting.

Ken Polakowski spoke, asking people to remember and recognize that the late Peter Pollack had been the original and great landscape architect and designer of the East Park project and had gone through all the public meetings, not Mr. Buday. Mr. Pollack's greatest strength was developing public spaces throughout the country.

Chris DeNio thinks the donation is an admirable idea, but the style is bad: it's too tall and in a poor location. Very few towns in Michigan have the view Charlevoix has of the harbor and to take that away is a major mistake. There are other avenues, for example, another type of beautiful item such as a fire pit, could be put in another location and not be an eyesore. Mr. DeNio also proposed a location change away from the street and spoke in favor of using local people to do the work.

The Mayor informed Mr. DeNio that many of his points have already been considered, but they are issues with the old plan. Council doesn't have a new plan to look at yet. When there is something to move forward on, there will be meetings and public comments will be taken regarding that plan.

The Clerk asked the Mayor to request the audience to refrain from applauding; it makes the minutes difficult to do. The Mayor honored the request.

Al Ranger recommended that the Planning Commission be fully engaged in the process, the landscape architect who is to guide the process be at all of the Planning Commission meetings, and that the Planning Commission hold public hearings and come to consensus.

Susan McNamara asked if it would be possible to put together a committee of people and volunteers that could sit with the Planning Commission and the Council and bring the presentations to the public. The Mayor stated that was something that's being

considered.

Bennie von Hellens said she remembered Peter Pollack very fondly and how well those meetings were run. She asked if the City had considered anything other than a fireplace. The Mayor said "No." The Council decision was to build a fireplace; unless they undo that decision, their choices are to modify the design or change the location. Ms. von Hellens said there were a lot of other options mentioned and the Mayor had said they would look at all the options. The Mayor clarified that they would be looking at all the options for the fireplace only. Ms. von Hellens asked if the meetings would be announced ahead of time. The Mayor said Council meets the first and third Mondays of the month. The Clerk stated that the item is still a general business item. The Mayor said people could call the Thursday before the meetings to find out what it on the agenda. City Planner Mike Spencer informed the audience that the City would be posting the agendas on the City website and showed them on the display screen where to find items. Mr. Spencer said the City also has a Facebook page, and the City will attempt to post more information there as well.

Celeste Perron asked why the construction wasn't stopped when the fireplace was on the last agenda. The Mayor clarified that agenda item had been to discuss modifications, not to halt the item. Once Council received more public input, the project was halted rather than discuss modifications at that point.

Ginny Saul said she has attended meetings and doesn't know why we have to keep going over everything. At the last meeting, the City Manager was going to come up with a few things, and he hasn't spoken at all. If the project had been done right, there wouldn't be a problem. She doesn't want the fireplace and wants it moved.

Stuart Kaufman said that, given the position Mr. Winn opened the meeting with, the City has been given a great opportunity. Someone is proposing to fund a \$50,000 improvement to the park and to use the architect who worked on the park. Most people here would agree that the park is well done and functions well. At this point in time, we don't know what Mr. Buday is going to design, so Mr. Kaufman is unsure what there is to discuss. Mr. Kaufman cautioned, "A camel is a horse by committee." The City has an opportunity to have a competent, qualified designer who understands the nuances of the park and how the pieces fit together. Mr. Kaufman thinks if Mr. Buday was left to design what he wanted, more people would come back that like it than those who don't.

The Mayor clarified a point of information: Peter Pollack was the designer of the park as a whole; Mr. Buday was designer of some of the buildings. He is being brought in because this is a structure. The Mayor doesn't want people to be confused between the two, and he doesn't want to take anything away from Mr. Pollack's legacy.

Del Terrill asked the Mayor for a better answer to Ms. Perron's question regarding why the workers continued to work the evening Council was meeting and incur costs. The Mayor said the item on the agenda was not to reconsider the project as a whole. What was brought forth to Council in their packet was lowering the fireplace by 16 inches. It obviously didn't satisfy what everyone was looking for, so Council took a different direction at that time. We do not set the hours of the construction workers. The Mayor assumes they continued working because the weather was good and they were on a deadline. The project was halted as soon as Council knew they were changing direction more dramatically than what was being proposed. Council was not considering halting the project and didn't know they would be halting it until that night. The Mayor apologized for being defensive, but said it gets a little tiresome trying to defend something when Council really doesn't think they did anything wrong; everything was done in public meetings. Now, Council is trying to work with people and reconsider the project as a whole.

Mr. Terrill thanked Council for taking a deep breath. He thanked Mr. Winn and the donor for being flexible. He would like to know there is a commitment from the Council that they will pass the plans from the architect on to the Planning Commission for their review and analysis before the City Council proceeds any further. The Mayor said the information would be passed to the Planning Commission to make a recommendation which Council can take into consideration.

The Planner apologized, saying that Council had taken a bashing over the Planning Commission not reviewing this first. The Planner said that he is responsible for advising Council on projects that have to go to the Planning Commission. It was neither intentional nor a backroom deal. The Planner presented on the screen other structures, buildings, and features that were all built in City parks without Planning Commission review and stated that may not be the best policy. The City is planning to come up with a policy outlining what the process will be in the future, so there will be no grey area and the public can know what to expect in the future.

Jodi Bingham asked if the option of not doing the fireplace is still on the table. The Mayor said the option of Council rescinding their action and not doing the fireplace is always open, following the appropriate procedures. Ms. Bingham asked if Mr. Winn could approach the donor to do a different option that wouldn't be an expense to the taxpayers every year. Ms. Bingham said she is not opposed to the plaque, but she would like a project that is less costly and lower for that area.

Lou Hollow spoke regarding the time table. In two months, a lot of the people here will be involved with family events and holidays. He asked if people can respond on the website. The Planner said a link similar to that for the draft Zoning Ordinance could be set up. The page could contain a comment form that could be emailed or printed.

Bob Bergmann thanked Mr. Winn for being willing to compromise on this. He also thanked the Mayor, Council, and Staff for stopping and going in the right direction. Mr. Bergmann suggested to Mr. Spencer is that Facebook news feeds and web updates will be critical. Mr. Spencer agreed.

Carol Miluski asked if the current structure could be made more appealing until the spring. The Mayor said that would be a key point for staff, but until they had direction, they couldn't do anything.

Birdie Whitley said she was glad to see the Planning Commission on board. She would also like to see the Shade Tree Commission and Parks and Recreation be involved.

Linda Teezak said that cities all across the U.S. are "Going Green." She would like to have Charlevoix be one of those cities. We need to think about the fossil fuel going up in the air.

Jim Flanagan would like Council and the architect to consider a wood burning fireplace instead of gas. Regardless of where it is, a wood burning fireplace would add to the spirit of Charlevoix. People could bring wood for burning; it would be an act of camaraderie and would save the cost of fuel for the City.

Leon Perron asked, as this process goes forward, that Council not focus so much on the expense already incurred. He doesn't think anyone would have a problem if it was cut off at the point it's at right now and turned into a flower bed. He doesn't think the cost to date should be an issue.

The Mayor closed the item to public comment at 8:04 p.m.

Councilmember Lyle Gennett said that, up to the first three meetings, the calls that he received were positive for the fireplace. As of now, the majority of calls are against it. As a Council person, his job is to represent the people in the first ward and he does not think the fireplace should be where it is. There are also people in the community who said they would raise money to get it moved. Whether we have another fireplace is not the point. People do not want it in that location, and that's where he stands on it.

Councilmember Greg Stevens said the smartest thing to do would be to wait for Mr. Buday and see what he comes up with. Other Council members concurred.

MOTION

Motion by Council member Jill Picha, seconded by Councilmember Greg Stevens, to postpone a decision on any modifications to the current community fireplace project until Council receives information based on public input, Council direction, input from Mr. Winn's donor, information from Mr. Bergmann's group, and [can] come up with a plan that will satisfy most people.

Yeas: Vollmer, Kusina, Picha, Stevens
Nays: Gennett
Absent: None
Abstain: Cole

The Mayor clarified that, although Council had asked City Manager Rob Straebel to gather more information, it was hard for him to get any information without knowing whether the donor was flexible on the location and completion date. It is unknown if funds are available to help move it or recoup the costs involved if the project is discontinued. It would have been almost impossible for Mr. Straebel to come up with anything for Council to consider. The Mayor said someone from out of town had told him if Charlevoix's biggest problems are to decide how, where, and if to spend money that is being donated to your town and the color of the lighthouse, then Charlevoix doesn't really have that many problems. We're pretty fortunate there aren't other things we need to consider or worry about. This is not meant to belittle either item or anyone's opinions, but the Mayor does think we're pretty lucky to have "spirited debate" and still hold together as a community. Hopefully we'll come up with a solution that's satisfactory to all.

The Mayor addressed the timeframe. According to Mr. Buday's schedule, we're looking out 4-8 weeks. The Mayor thinks the City will be putting together some information that will be posted. If anything comes up sooner than 4 weeks, people will be able to find out on the website and Facebook. We are not in a hurry to jump into anything, but we want to know where we're going. The various boards will be invited when Mr. Buday makes his presentation.

Patty Sitzema asked if there would be a change in venue for future meetings. The Mayor said it had been brought up by Council members over the weekend, but nothing could be done until Monday. When he talked to the Clerk on Monday, she expressed concerns about moving [an already noticed] meeting. As it turns out, the high school auditorium was unavailable.

VIII. Audience - Non-agenda Input (written requests take precedent)

None.

IX. Adjourn

The Mayor stated if there were no objections, the meeting would adjourn.

There were no objections.

Meeting adjourned at 8:13 p.m.

John Hess Planning Chair

Carol A. Ochs City Clerk

Norman L. Carlson, Jr. Mayor