



AGENDA
CITY OF CHARLEVOIX CITY COUNCIL REGULAR MEETING
Monday, March 19, 2018- 6:00 PM
Council Chambers, 210 State Street, Charlevoix, MI

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Presentations**
- 4. Inquiry Regarding Conflicts of Interest**
- 5. Consent Agenda**
 - A. City Council Meeting Minutes - March 5, 2018
 - B. Accounts Payable and Payroll Check Registers
 - C. Paramedic Job Description (FT)
 - D. Administrative Assistant (Electric/DPW) Job Description Revision
- 6. Public Hearings and Actions Requiring Public Hearings**
 - A. Public Hearing 787 Prohibited Swimming Ordinance
Mark L. Heydlauff, City Manager
 - B. Public Hearing 788 Cross Connection Ordinance
Patrick M. Elliott, Department of Public Works Superintendent
 - C. Public Hearing 789 Sign Ordinance
Sarah Lucas, Networks Northwest
 - D. Public Hearing 790 Nuisance Ordinance
Sarah Lucas, Networks Northwest
 - E. Public Hearing 791 General Zoning Ordinance Changes
Sarah Lucas, Networks Northwest
 - F. Public Hearing 792 Solid Waste Ordinance
Sarah Lucas, Networks Northwest
- 7. All Other Actions and Requests**
 - A. Charlevoix Certified Local Government Application & Resolution
Lindsey Dotson, Main Street Director & Jessica Flores, MSHP, LEED GA Principal,
Preservation Forward

- B. Public Service Facility: LEED Building Design
Amanda Porath, PE and Kevin Koets, AIA; OHM Advisors
- C. Replace Marina Pedestals
Don Swem, Electric Superintendent
- D. Golf Course Tree Removal
Tom Heid, Director of Golf and Grounds
- E. MDNR Grant Application: Lake Michigan Beach Park Trail
Mark L. Heydlauff, City Manager
- F. Sale of Tanker Truck
Mark L. Heydlauff, City Manager
- G. EMS Management Consultation
Mark L. Heydlauff, City Manager

8. Reports and Communications

- A. Public Comments
- B. City Manager's Comments
- C. Mayor and Council Comments

9. Other Council Business

10. Adjourn

The City of Charlevoix will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon one weeks' notice to the City of Charlevoix. Individuals with disabilities requiring auxiliary aids or services should contact the City of Charlevoix Clerk's Office in writing or calling the following: City Clerk, 210 State Street, Charlevoix, MI 49720 (231) 547-3250.

CHARLEVOIX CITY COUNCIL

Consent Agenda

TITLE: City Council Meeting Minutes - March 5, 2018

DATE: March 19, 2018

RECOMMENDATION:

Motion to approve City Council minutes.

ATTACHMENTS:

- ▣ Council Minutes

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, March 5, 2018 – 6:00 p.m.
Council Chambers, 210 State Street, Charlevoix, MI

The meeting was called to order at 6:00 p.m. by Deputy Mayor Cole.

1. Pledge of Allegiance

2. Roll Call

Deputy Mayor: Shane Cole
Members Present: Greg Bryan, Aaron Hagen, Janet Kalbfell, Tom Oleksy, Leon Perron
Members Absent: Mayor Luther Kurtz
City Manager: Mark L. Heydlauff
City Clerk: Joyce Golding

3. Presentations

4. Inquiry Regarding Conflicts of Interest

5. Consent Agenda

All items listed under Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion of an item is required, it will be removed from the Consent Agenda and considered separately.

- A. City Council Meeting Minutes – February 19, 2018
- B. Accounts Payable and Payroll Check Registers
 - a. Special Accounts Payable Check Register – February 23, 2018
 - b. Regular Accounts Payable Check Register – March 6, 2018
 - c. ACH Payments – February 20, 2018 to February 26, 2018
 - d. Payroll Check Register – February 23, 2018
 - e. Payroll Transmittal – February 23, 2018
 - f. Tax Disbursement – March 6, 2018
- C. Buy Siemens Replacement Regulator for \$15,425 – Approve purchase

Motion by Kalbfell, second by Oleksy, to approve the Consent Agenda.

Yeas: Perron, Hagen, Oleksy, Kalbfell, Cole, Bryan

Nays: None

6. Public Hearings & Actions Requiring Public Hearings

7. All Other Actions & Requests

8. Reports & Communications

A. Public Comments

B. City Manager Comments

City Manager Heydlauff reported on the following:

- Mt. McSauba passed the State's safety inspection
- Michigan Beach Park public input meeting is on March 8
- Audio/Visual improvements on order for Chambers
- Per suggestion, more detail was added to consent agenda item titles

C. Mayor & Council Comments

- Bryan thanked the Boy Scouts for attending tonight's meeting.
- Oleksy offered kudos to those involved in the wayfinding signage installed throughout town.
- Council generally discussed an email they received from a resident on Park Avenue regarding overnight parking. Kalbfell stated she would keep the resident informed as the Michigan Beach Park project progressed.

9. Other Council Business

10. Adjourn

The Mayor adjourned the meeting at 6:09 p.m.

Joyce M. Golding	City Clerk	Shane Cole	Deputy Mayor
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Special Accounts Payable – 02/23/2018

AT&T	2,795.60	METLIFE SMALL BUSINESS CENTER	687.70
AT&T LONG DISTANCE	90.59	PRIORITY HEALTH	42,760.96
AT&T MOBILITY	91.43	VERIZON WIRELESS	56.72
CHARLEVOIX STATE BANK	4,472.70	VISION SERVICE PLAN	500.14
DELTA DENTAL	3,382.40		
GREAT LAKES ENERGY	235.73	TOTAL	55,073.97

Regular Accounts Payable – 03/06/2018

AIRGAS USA LLC	135.66	KLOOSTER, ALIDA K.	50.00
AIS CONSTRUCTION EQUIPMENT	669.05	KMart	11.98
AMERICAN WASTE INC.	48.60	KSS ENTERPRISES	72.35
ARCADIA BENEFITS GROUP INC	25.00	LAKE CHARLEVOIX BREWING	340.00
AT YOUR SERVICE PLUS INC	460.00	LANDSCAPE FORMS INC.	3,610.00
AVFUEL CORPORATION	1,520.00	LANSING, IRENE	600.00
BARTLETT'S HOME INTERIORS INC.	1,014.87	MAYER, SHELLEY L.	50.00
BIOMEDICAL SOLUTIONS	286.00	McGINN, KELLY A.	50.00
BREWER, JOHN	500.00	MCMASTER-CARR	745.73
CENTRAL INTERCONNECT INC	78.75	McMULLEN, DONALD R	50.00
CHARLEVOIX TOWNSHIP	584.11	METAL HEAD WELDING LLC	1,050.00
CHARTER COMMUNICATIONS	1,767.81	MICHIGAN MUNICIPAL LEAGUE	49.50
CINTAS CORPORATION #729	30.00	MICHIGAN WATER ENV ASSOC	70.00
DCASSESSING SERVICES	4,371.08	MILLER, WILLIAM S.	50.00
DeROSIA, PATRICIA E.	50.00	MODERN MARKETING	119.78
DERRER OIL & PROPANE CO	906.40	NYE UNIFORM CO	101.55
DOAN, GERARD P.	366.93	OTEC	390.00
DORNBOS SIGN INC.	1,869.00	OVERHEAD DOOR COMPANY	392.00
DOTSON, LINDSEY J.	50.00	POLLARD WATER	222.07
EDGEWATER RESOURCES LLC	10,167.31	POWER LINE SUPPLY	3,176.50
ELLIOTT, PATRICK M.	398.33	PREIN & NEWHOF	36,440.67
ENERGIS HIGH VOLTAGE RESOURCE	8,153.74	PRO IMAGE DESIGN INC	50,488.00
ENERGY ADVANTAGE GROUP	3,375.00	PRO WEB MARKETING LLC	30.00
ETNA SUPPLY	8,730.00	PRODUCTIVITY PLUS ACCOUNT	775.15
FASTENAL COMPANY	126.04	SC SUPPLY COMPANY LLC	1,631.80
FISHER SCIENTIFIC	511.21	SCHOOL OF PLANNING, DESIGN & CON	2,500.00
GOLDING, JOYCE M.	50.00	SOS ANALYTICAL	150.00
GRAINGER	268.02	STATE OF MICHIGAN	663.25
GRAND TRAVERSE DIESEL INC.	333.66	STATE OF MICHIGAN	200.00
GRP ENGINEERING INC.	2,000.00	STATE OF MICHIGAN	60.00
HANKINS, SCOTT A.	50.00	SUN BADGE CO.	107.75
HEID, THOMAS J.	50.00	SUPERIOR MECHANICAL	2,046.22
HERITAGE FIRE EQUIPMENT	1,001.80	SWEM, DONALD L.	50.00
HERZOG ELECTRIC	100.00	THIRD DAY FELLOWSHIP	3,000.00
HEYDLAUFF, MARK L	50.00	TRAVERS, MANUEL J.	50.00
HOLIDAY COMPANIES	8,255.37	TRUCK & TRAILER SPECIALTIES	177.55
HYDE SERVICES LLC	2,252.50	UNIFIRST CORPORATION	573.59
HYDRO CORP	530.00	USA BLUE BOOK	1,694.47
JOHN E. GREEN COMPANY	324.20	VILLAGE GRAPHICS INC.	126.00
JOHNSON, STEVEN P.	72.00	WORK & PLAY SHOP	87.68
JOPPA HOUSE MINISTRIES PROGRAM	10,000.00	WURST, RANDALL W.	50.00
KEVIN'S METER TESTING	2,789.72	WYMAN, MATTHEW A.	50.00
KEY CONTROLS ELECTRICAL SERVICES	100.00		
KIRINOVIC, THOMAS F.	50.00	TOTAL	186,625.75

ACH Payments – 02/20/2018 to 02/26/2018

MI PUBLIC POWER AGENCY	33,256.64	VANTAGEPOINT (ROTH IRA)	1,186.53
IRS (PAYROLL TAX DEPOSIT)	29,196.64	MERS DEFINED BENEFIT PLAN	30,947.71
ALERUS FINANCIAL (HCSP)	400.00	MI PUBLIC POWER AGENCY	15,451.79
STATE OF MI (WITHHOLDING TAX)	4,519.83	MI PUBLIC POWER AGENCY	147,853.30
VANTAGEPOINT (401 ICMA PLAN)	742.50		
VANTAGEPOINT (457 ICMA PLAN)	13,195.41	TOTAL	276,750.35

Payroll Net Pay – Pay Period Ending 02/17/2018 (Paid 02/23/2018)

HEYDLAUFF, MARK L.	2,358.07	LOY, EVELYN R.	1,086.31
GOLDING, JOYCE M.	1,547.18	KLOOSTER, ALIDA K.	1,623.87
DEROSIA, PATRICIA E.	991.57	GOLOVICH, KAREN J.	969.62
DOTSON, LINDSEY J.	1,477.97	SPENCLEY, PATRICIA L.	870.32

MILLER, FAITH G.	23.40	NIMPHIE, NOAH J.D.	403.79
MCGINN, KELLY A.	1,653.10	PORATH, JACOB P.	165.12
JOLLETTE, MELISSA N.	232.73	WHITLEY, NICHOLAS J.	229.06
DOAN, GERARD P.	1,650.59	CRANDELL, ZACKARY R.	388.96
SCHLAPPI, JAMES L.	979.21	WHITE III, MARCUS W.	295.39
UMULIS, MATTHEW T.	1,333.15	SAYWARD, MADISON E.	342.25
HANKINS, SCOTT A.	1,557.26	BERTINELLI, DAVID P.	237.86
ORBAN, BARBARA K.	1,165.16	NIMPHIE, MASON K.D.	381.29
FLICKEMA, ANDREW M.	1,373.31	BOSS, BEAU J.	876.72
MATELSKI, KIMBERLY A.	1,213.17	DVORACEK, HAYDEN R.	411.61
RILEY, DENISE M.	448.66	HEID, THOMAS J.	1,285.80
MATELSKI, RYAN G.	949.78	VANLOO, JOSEPH G.	538.81
WURST, RANDALL W.	1,414.92	WYMAN, MATTHEW A.	1,459.48
MAYER, SHELLEY L.	1,720.41	BOSS, RYDER S.	242.18
HILLING, NICHOLAS A.	1,266.68	MILLER, WILLIAM S.	1,088.80
MEIER III, CHARLES A.	344.20	DOUGLAS, MARK	471.86
ZACHARIAS, STEVEN B.	1,451.40	HASTINGS, MICHAEL A.	442.94
NEWMAN, MARK J.	718.80	TRAVERS, MANUEL J.	1,684.27
SWEM, DONALD L.	1,928.82	STEVENS, JEFFREY W.	693.66
EATON, BRAD A.	1,897.65	RILEY, CASEY W.	202.55
WILSON, TIMOTHY J.	2,109.93	JONES, LARRY M.	1,401.02
LAVOIE, RICHARD L.	1,678.25	FLORE, ROBERT A.	240.07
STEVENS, BRANDON C.	2,198.51	WILLSON, BRENDA R.	1,284.75
DRAVES, MARTIN J.	1,821.68	BEAN, PETER J.	506.49
BROWN, STEPHANIE C.	1,040.30	MCCALIB, RACHELLE L.	519.04
ANDERSON, ELIZABETH A.	1,132.69	MCMULLEN, DONALD R.	1,034.14
ELLIOTT, PATRICK M.	2,056.97	BOYCE, REBECCA L.	353.04
SCHWARTZFISHER, JOSEPH L.	1,482.99	MCFARLAND, JONATHAN A.	760.48
BRADLEY, KELLY R.	1,252.15	SILVA, JESSE L.A.	170.43
HART II, DELBERT W.	1,377.52	BASSETT, FREDERICK A.	1,540.49
JONES, ROBERT F.	1,428.61	SEHL, JENNA R.	516.39
DORAN, JUSTIN J.	1,406.65	RILEY, DANIEL A.	385.20
FARRELL, MITCHELL L.	1,335.64	WHITLEY, ANDREW T.	1,565.41
KIRINOVIC, THOMAS F.	494.99	MORRISON, KEVIN P.	1,126.93
WASHBURNE, MICHAEL J.	147.76	JOHNSON, STEVEN P.	1,222.56
ANZELL, BETH A.	668.41	BOSS JR, DALE E.	1,235.16
BOSS, SHERRY M.	730.43	HOLM, ARTHUR R.	976.16
BRADLEY, JOHN P.	253.22	MATTER, DAWSON K.	1,651.61
DIXON, MIKAYA S.	264.15	TOTAL	85,459.93

Payroll Transmittal – 02/23/2018

4FRONT CREDIT UNION	628.84	CHEMICAL BANK	150.00
AMERICAN FAMILY LIFE	158.28	COMMUNICATION WORKERS OF AMER	541.06
AMERICAN FAMILY LIFE	380.52	MI STATE DISBURSEMENT UNIT	323.45
CHAR EM UNITED WAY	52.00	PRIORITY HEALTH	1,616.90
CHARLEVOIX STATE BANK	2,085.77	TOTAL	5,936.82

Tax Disbursement – 03/06/2018

CHARLEVOIX COUNTY TREASURER	1,148.99	CHARLEVOIX PUBLIC SCHOOLS	67.36
CHARLEVOIX COUNTY TREASURER	225,945.43	CITY OF CHARLEVOIX - TAXES DUE	52,091.81
CHARLEVOIX DISTRICT LIBRARY	83,499.47	HERWEYER, JEFF	20.00
CHARLEVOIX PUBLIC SCHOOLS	2,143.79	MORLEY, PETER	35.87
CHARLEVOIX PUBLIC SCHOOLS	336.90	RECREATIONAL AUTHORITY	15,658.73
CHARLEVOIX PUBLIC SCHOOLS	67.36	TOTAL	381,015.71

CHARLEVOIX CITY COUNCIL

Consent Agenda

TITLE: Accounts Payable and Payroll Check Registers

DATE: March 19, 2018

ATTACHMENTS:

- ▣ Accounts Payable and Payroll Check Registers

Pay Period Date	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
03/03/2018	03/09/2018	122951	4FRONT CREDIT UNION	9024	HSA-EMPLOYEE CONTRIB-4FR	628.84
03/03/2018	03/09/2018	122952	AMERICAN FAMILY LIFE	9011	AMERICAN FAMILY LIFE-POST	158.28
03/03/2018	03/09/2018	122952	AMERICAN FAMILY LIFE	9011	AMERICAN FAMILY LIFE-PRETA	380.52
03/03/2018	03/09/2018	122953	BARRY COUNTY TRIAL C	9029	Wage Assignment: Case 04-6725	20.00
03/03/2018	03/09/2018	122954	CHAR EM UNITED WAY	9009	UNITED WAY Pay Period: 3/3/20	52.00
03/03/2018	03/09/2018	122955	CHARLEVOIX STATE BA	9017	HSA - EMPLOYEE CONTRIB - C	2,085.77
03/03/2018	03/09/2018	122956	CHEMICAL BANK	9018	HSA - EMPLOYEE CONTRIB - C	150.00
03/03/2018	03/09/2018	122957	COMMUNICATION WORK	9004	CWA UNION DUES Pay Period:	541.06
03/03/2018	03/09/2018	122958	MI STATE DISBURSEME	9012	FRIEND OF THE COURT Pay P	323.45
03/03/2018	03/09/2018	122959	POLICE OFFICERS LABO	9003	POL UNION DUES Pay Period: 3	201.00
03/03/2018	03/09/2018	122960	PRIORITY HEALTH	392358	PRIORITY HEALTH Pay Period:	1,747.73
Grand Totals:		11				6,288.65

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Summary of Check Registers & ACH Payments HUNTINGTON NATIONAL BANK - CHECKS ISSUED

03/09/18 Payroll Transmittal Checks \$ 6,288.65
 03/09/18 Payroll (net pay) \$ 88,850.91
 03/20/18 Regular Accounts Payable \$ 835,038.92

Checks Sub-Total: \$ 930,178.48

HUNTINGTON NATIONAL BANK - ACH/WIRE PAYMENTS

03/05/18 MI Public Power Agency \$ 14,306.71
 03/05/18 Payment Service Network, Inc. \$ 233.70
 03/09/18 IRS (Payroll Tax Deposit) \$ 30,903.15
 03/09/18 Alerus Financial (HCSP) \$ 400.00
 03/09/18 State of MI (Withholding Tax) \$ 4,752.05
 03/09/18 Vantagepoint (401 ICMA Plan) \$ 742.50
 03/09/18 Vantagepoint (457 ICMA Plan) \$ 13,426.15
 03/09/18 Vantagepoint (Roth IRA) \$ 1,186.53
 03/09/18 State of MI (Sales Tax) \$ 23,936.75
 03/12/18 MI Public Power Agency \$ 11,988.58

ACH Sub-Total: \$ 101,876.12

Huntington National Bank Total: \$ 1,032,054.60

CHARLEVOIX STATE BANK - CHECKS ISSUED

(PROPERTY TAX DISBURSEMENT TO VARIOUS TAXING AUTHORITIES)
 03/20/18 Tax Disbursement \$ 20,818.39
 Charlevoix State Bank Total: \$ 20,818.39

Grand Total: \$ 1,052,872.99

APPROVED:


 CITY MANAGER


 CITY TREASURER


 CITY CLERK

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
03/03/2018	PC	03/09/2018	25256	HEYDLAUFF, MARK L.	102		2,648.97
03/03/2018	PC	03/09/2018	25257	GOLDING, JOYCE M.	106		1,911.02
03/03/2018	PC	03/09/2018	25258	DEROSIA, PATRICIA E.	107		1,139.36
03/03/2018	PC	03/09/2018	25259	DOTSON, LINDSEY J.	109		1,477.97
03/03/2018	PC	03/09/2018	25260	LOY, EVELYN R.	117		1,086.31
03/03/2018	PC	03/09/2018	25261	KLOOSTER, ALIDA K.	121		1,985.43
03/03/2018	PC	03/09/2018	25262	GOLOVICH, KAREN J.	122		969.63
03/03/2018	PC	03/09/2018	25263	SPENCLEY, PATRICIA L.	136		1,033.43
03/03/2018	PC	03/09/2018	25264	MILLER, FAITH G.	142		21.06
03/03/2018	PC	03/09/2018	25265	MCGINN, KELLY A.	146		1,653.10
03/03/2018	PC	03/09/2018	25266	JOLLETTE, MELISSA N.	149		211.94
03/03/2018	PC	03/09/2018	25267	DOAN, GERARD P.	201		1,650.59
03/03/2018	PC	03/09/2018	25268	SCHLAPPI, JAMES L.	204		928.96
03/03/2018	PC	03/09/2018	25269	UMULIS, MATTHEW T.	205		1,232.76
03/03/2018	PC	03/09/2018	25270	HANKINS, SCOTT A.	208		1,557.26
03/03/2018	PC	03/09/2018	25271	ORBAN, BARBARA K.	209		1,165.05
03/03/2018	PC	03/09/2018	25272	WILLIAMS, ASHLEY M.	210		1,201.42
03/03/2018	PC	03/09/2018	25273	FLICKEMA, ANDREW M.	211		1,733.05
03/03/2018	PC	03/09/2018	25274	MATELSKI, KIMBERLY A.	212		1,213.17
03/03/2018	PC	03/09/2018	25275	RILEY, DENISE M.	213		448.66
03/03/2018	PC	03/09/2018	25276	MATELSKI, RYAN G.	230		998.48
03/03/2018	PC	03/09/2018	25277	WURST, RANDALL W.	411		1,113.73
03/03/2018	PC	03/09/2018	25278	MAYER, SHELLEY L.	412		1,645.69
03/03/2018	PC	03/09/2018	25279	HILLING, NICHOLAS A.	413		1,542.71
03/03/2018	PC	03/09/2018	25280	MEIER III, CHARLES A.	421		628.75
03/03/2018	PC	03/09/2018	25281	ZACHARIAS, STEVEN B.	422		1,207.46
03/03/2018	PC	03/09/2018	25282	NEWMAN, MARK J.	424		718.80
03/03/2018	PC	03/09/2018	25283	SWEM, DONALD L.	512		1,928.82
03/03/2018	PC	03/09/2018	25284	EATON, BRAD A.	515		1,867.48
03/03/2018	PC	03/09/2018	25285	WILSON, TIMOTHY J.	516		2,322.75
03/03/2018	PC	03/09/2018	25286	LAVOIE, RICHARD L.	519		1,678.25
03/03/2018	PC	03/09/2018	25287	STEVENS, BRANDON C.	521		2,030.08
03/03/2018	PC	03/09/2018	25288	DRAVES, MARTIN J.	523		1,638.93
03/03/2018	PC	03/09/2018	25289	BROWN, STEPHANIE C.	524		1,040.30
03/03/2018	PC	03/09/2018	25290	ANDERSON, ELIZABETH	526		1,132.69
03/03/2018	PC	03/09/2018	25291	ELLIOTT, PATRICK M.	600		2,056.97
03/03/2018	PC	03/09/2018	25292	SCHWARTZFISHER, JOS	603		1,038.56
03/03/2018	PC	03/09/2018	25293	BRADLEY, KELLY R.	614		1,275.65
03/03/2018	PC	03/09/2018	25294	HART II, DELBERT W.	616		1,528.51
03/03/2018	PC	03/09/2018	25295	JONES, ROBERT F.	618		1,104.07
03/03/2018	PC	03/09/2018	25296	DORAN, JUSTIN J.	621		1,696.84
03/03/2018	PC	03/09/2018	25297	FARRELL, MITCHELL L.	622		1,596.45
03/03/2018	PC	03/09/2018	25298	KIRINOVIC, THOMAS F.	700		545.35
03/03/2018	PC	03/09/2018	25299	MILAN, JANE E.	711		74.81
03/03/2018	PC	03/09/2018	25300	BOSS, SHERRY M.	730		678.68
03/03/2018	PC	03/09/2018	25301	BRADLEY, JOHN P.	735		253.22
03/03/2018	PC	03/09/2018	25302	DIXON, MIKAYA S.	736		105.72
03/03/2018	PC	03/09/2018	25303	NIMPHIE, NOAH J.D.	737		270.84
03/03/2018	PC	03/09/2018	25304	PORATH, JACOB P.	741		217.98
03/03/2018	PC	03/09/2018	25305	WHITLEY, NICHOLAS J	742		229.06
03/03/2018	PC	03/09/2018	25306	HAGEN, MADISON L.	752		221.64
03/03/2018	PC	03/09/2018	25307	CRANDELL, ZACKARY R.	753		308.91
03/03/2018	PC	03/09/2018	25308	WHITE III, MARCUS W.	754		52.86
03/03/2018	PC	03/09/2018	25309	SAYWARD, MADISON E.	755		318.81
03/03/2018	PC	03/09/2018	25310	BERTINELLI, DAVID P.	764		484.54
03/03/2018	PC	03/09/2018	25311	NIMPHIE, MASON K.D.	776		248.53
03/03/2018	PC	03/09/2018	25312	BOSS, BEAU J.	788		876.72

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
03/03/2018	PC	03/09/2018	25313	DVORACEK, HAYDEN R.	793		431.91
03/03/2018	PC	03/09/2018	25314	HEID, THOMAS J	802		1,285.80
03/03/2018	PC	03/09/2018	25315	VANLOO, JOSEPH G.	902		566.61
03/03/2018	PC	03/09/2018	25316	WYMAN, MATTHEW A.	927		1,459.47
03/03/2018	PC	03/09/2018	25317	BOSS, RYDER S.	932		380.70
03/03/2018	PC	03/09/2018	25318	MILLER, WILLIAM S.	933		1,505.31
03/03/2018	PC	03/09/2018	25319	DOUGLAS, MARK	935		430.77
03/03/2018	PC	03/09/2018	25320	HASTINGS, MICHAEL A.	937		383.64
03/03/2018	PC	03/09/2018	25321	TRAVERS, MANUEL J.	1010		2,297.76
03/03/2018	PC	03/09/2018	25322	STEVENS, JEFFREY W.	1028		980.83
03/03/2018	PC	03/09/2018	25323	RILEY, CASEY W.	1052		478.00
03/03/2018	PC	03/09/2018	25324	JONES, LARRY M.	1057		747.63
03/03/2018	PC	03/09/2018	25325	WILLSON, BRENDA R.	1059		1,130.30
03/03/2018	PC	03/09/2018	25326	BEAN, PETER J.	1060		844.00
03/03/2018	PC	03/09/2018	25327	FENNELL, DREW M.	1062		745.37
03/03/2018	PC	03/09/2018	25328	MCCALIB, RACHELLE L.	1066		953.77
03/03/2018	PC	03/09/2018	25329	MCMULLEN, DONALD R.	1067		3,343.55
03/03/2018	PC	03/09/2018	25330	MCFARLAND, JONATHAN	1071		557.80
03/03/2018	PC	03/09/2018	25331	SILVA, JESSE L.A.	1073		191.39
03/03/2018	PC	03/09/2018	25332	SEHL, JENNA R.	1101		160.28
03/03/2018	PC	03/09/2018	25333	RILEY, DANIEL A.	1102		1,666.47
03/03/2018	PC	03/09/2018	122945	WHITLEY, ANDREW T.	522		1,623.54
03/03/2018	PC	03/09/2018	122946	MORRISON, KEVIN P.	601		1,302.09
03/03/2018	PC	03/09/2018	122947	JOHNSON, STEVEN P.	617		1,185.06
03/03/2018	PC	03/09/2018	122948	BOSS JR, DALE E.	701		1,235.16
03/03/2018	PC	03/09/2018	122949	MATTER, DAWSON K.	786		38.76
03/03/2018	PC	03/09/2018	122950	HOLM, ARTHUR R.	791		976.16
Grand Totals:			84				88,850.91

Report Criteria:

Computed checks included
 Manual checks included
 Supplemental checks included
 Termination checks included
 Void checks included

Check Number	Payee	Amount
03/20/2018		
122961	ACCESS LOCKSMITHING INC	1,596.50
122962	ACE HARDWARE	969.48
122963	ALL-PHASE ELECTRIC SUPPLY CO.	752.09
122964	AMERICAN WASTE INC.	3,055.56
122965	AUTO VALUE	1,139.80
122966	AVFUEL CORPORATION	22,542.87
122967	AVSURANCE CORPORATION	4,295.00
122968	B & L SOUND INC	126.95
122969	BAKER COLLEGE OF CADILLAC	45.00
122970	BALLARD'S	208.00
122971	BEAVER RESEARCH COMPANY	143.52
122972	BELL EQUIPMENT COMPANY	3,119.42
122973	BOLESKY, JEANNIE	31.06
122974	BRADFORD'S	71.25
122975	BREWER, JOHN	270.00
122976	CARQUEST OF CHARLEVOIX	867.44
122977	CENTRAL DRUG STORE	54.80
122978	CHARLEVOIX GLASS INC.	100.00
122979	CHARLEVOIX TOWNSHIP	33,099.25
122980	CHARTER COMMUNICATIONS	1,072.11
122981	CINTAS CORPORATION	120.15
122982	CITY OF CHARLEVOIX - UTILITIES	43,256.17
122983	COLORADO CHALLENGE	3,000.00
122984	CONSUMERS ENERGY	1,500.00
122985	DITCH WITCH SALES OF MICHIGAN	9,256.73
122986	ECONOMY GARAGE LLC	500.00
122987	EJ USA INC.	2,051.10
122988	ELLSWORTH FARMER'S EXCHANGE	18.00
122989	ETNA SUPPLY	1,516.20
122990	FASTENAL COMPANY	165.42
122991	FLAGPOLES ETC INC	98.00
122992	FREEDOM MAILING SERVICES INC.	2,320.50
122993	GRAND TRAVERSE DIESEL INC.	394.10
122994	GRAND TRAVERSE GARAGE DOOR	942.95
122995	HACH COMPANY	2,055.19
122996	HEALTH DEPT OF NW MICHIGAN	830.00
122997	HERZOG ELECTRIC	82.40
122998	HYDRO CORP	530.00
122999	IMMONEN, PAT	30.00
123000	KISH, TIM	329.92
123001	KMart	51.94
123002	KOORSEN FIRE & SECURITY	265.97
123003	KSS ENTERPRISES	368.74
123004	LAKEVIEW MAINTENANCE INC.	643.50
123005	MAYER, SHELLEY L.	227.08
123006	MCCARDEL CULLIGAN-PETOSKEY	50.00
123007	MICHIGAN OFFICEWAYS INC	2,106.77
123008	MINE SAFETY APPLIANCES CO. LLC	1,037.20

M = Manual Check, V = Void Check

Check Number	Payee	Amount
123009	MUNSON HEALTHCARE CHARLEVOIX	55.40
123010	NATIONAL MAIN STREET CENTER	350.00
123011	NORTHERN CREDIT BUREAU	201.31
123012	NORTHERN LAKES	200.00
123013	NORTHERN MICHIGAN REVIEW INC.	1,803.97
123014	OLD DOMINION BRUSH	562.67
123015	OLSON BZDOK & HOWARD	2,343.70
123016	O'REILLY AUTOMOTIVE INC	4.08
123017	PARASTAR INC.	1,196.26
123018	PHYSIO-CONTROL INC.	417.84
123019	PLUNKETT & COONEY	1,902.86
123020	POSTAL PRODUCTS UNLIMITED INC	1,867.11
123021	POWER LINE SUPPLY	5,390.26
123022	PURITY CYLINDER GASES INC	102.83
123023	RANGE TELECOMMUNICATIONS	114.00
123024	RIETH-RILEY CONST CO INC	1,677.57
123025	RS&H MICHIGAN INC	12,450.00
123026	S&W HEALTHCARE CORPORATION	249.70
123027	SCHELLER, BLAKE	50.00
123028	SHABBY GIRLS	28.61
123029	SHORELINE POWER SERVICES INC.	7,393.30
123030	SULLIVAN, LAWRENCE R	3,800.00
123031	SYSTEMS SPECIALISTS INC	4,757.50
123032	TERMINAL SUPPLY CO	160.72
123033	THE BANK OF NEW YORK MELLON N.	493,433.39
123034	THOMAS ELECTRICAL SERVICES LLC	327.09
123035	U S BANK	134,400.00
123036	UNIFIRST CORPORATION	467.28
123037	USA BLUE BOOK	349.03
123038	VILLAGE GRAPHICS INC.	2,244.40
123039	WAY, KRISTINA	49.50
123040	WOLTERS KLUWER LAW & BUSINESS	591.89
123041	WORK & PLAY SHOP	2,251.82
123042	XYLEM WATER SOLUTIONS USA INC	6,536.70
Total 03/20/2018:		835,038.92
Grand Totals:		835,038.92

Check Number	Payee	Amount
03/05/2018		
30518001	MICHIGAN PUBLIC POWER AGENCY	14,306.71
30518002	PAYMENT SERVICE NETWORK INC.	233.70
Total 03/05/2018:		14,540.41
Grand Totals:		14,540.41

Check Issue Date	Check Number	Payee	Amount
30918001			
03/09/2018	30918001	**EFTPS* Payroll Taxes	8,232.91
03/09/2018	30918001	**EFTPS* Payroll Taxes	8,232.91
03/09/2018	30918001	**EFTPS* Payroll Taxes	1,925.46
03/09/2018	30918001	**EFTPS* Payroll Taxes	1,925.46
03/09/2018	30918001	**EFTPS* Payroll Taxes	10,586.41
Total 30918001:			
	5		30,903.15
30918002			
03/09/2018	30918002	Alerus Financial	400.00
Total 30918002:			
	1		400.00
30918003			
03/09/2018	30918003	STATE OF MICHIGAN	4,752.05
Total 30918003:			
	1		4,752.05
30918004			
03/09/2018	30918004	Vantagepoint - 401 Plan 109153	742.50
Total 30918004:			
	1		742.50
30918005			
03/09/2018	30918005	Vantagepoint - 457 Plan 300959	5,408.59
03/09/2018	30918005	Vantagepoint - 457 Plan 300959	783.79
03/09/2018	30918005	Vantagepoint - 457 Plan 300959	1,902.30
03/09/2018	30918005	Vantagepoint - 457 Plan 300959	5,331.47
Total 30918005:			
	4		13,426.15
30918006			
03/09/2018	30918006	Vantagepoint - Roth IRA 706117	1,186.53
Total 30918006:			
	1		1,186.53
Grand Totals:			
	13		51,410.38

Xm

Check Number	Payee	Amount
03/09/2018		
30918007	STATE OF MICHIGAN	23,936.75
Total 03/09/2018:		23,936.75
Grand Totals:		23,936.75

Check Number	Payee	Amount
03/12/2018		
31218001	MICHIGAN PUBLIC POWER AGENCY	11,988.58
Total 03/12/2018:		11,988.58
Grand Totals:		11,988.58

Check Number	Payee	Amount
03/20/2018		
3046	CHARLEVOIX COUNTY TREASURER	1,156.51
3047	CHARLEVOIX COUNTY TREASURER	7,449.46
3048	CHARLEVOIX DISTRICT LIBRARY	2,165.90
3049	CHARLEVOIX PUBLIC SCHOOLS	59.37
3050	CHARLEVOIX PUBLIC SCHOOLS	837.74
3051	CHARLEVOIX PUBLIC SCHOOLS	167.50
3052	CHARLEVOIX PUBLIC SCHOOLS	167.50
3053	CITY OF CHARLEVOIX - TAXES DUE	5,404.98
3054	RECREATIONAL AUTHORITY	406.15
3055	STATE OF MICHIGAN	2,993.69
3056	WANEK, THOMAS	9.59
Total 03/20/2018:		20,818.39
Grand Totals:		20,818.39

CHECKS DRAWN ON CHARLEVOIX STATE BANK ACCOUNT

CHARLEVOIX CITY COUNCIL

Consent Agenda

TITLE: Paramedic Job Description (FT)

DATE: March 19, 2018

PRESENTED BY: Mark L. Heydlauff, City Manager

BACKGROUND:

On February 14, 2018 we made a management change in the EMS department and transitioned Joe Travers from the EMS Director into a full-time Paramedic position. As a result, we are recommending approval of the new full-time Paramedic job description.

RECOMMENDATION:

Motion to approve the new full-time Paramedic Job Description.

ATTACHMENTS:

- ▢ Paramedic Job Description (FT)

CITY OF CHARLEVOIX

Title: Paramedic
FLSA: Non-exempt
STATUS: Full-time, non-union
Department: Police/Emergency Medical Services
Reports To: Emergency Medical Services Director
Date: March 19, 2018

Purpose

Under direction of the Emergency Medical Services Director, the Paramedic responds to emergency calls to provide efficient and immediate care to the critically ill and injured. Conducts BLS and ALS patient assessments; provides patient care while on scene of call and during transport; is responsible for conducting all invasive procedures if accompanied by a BLS certified partner; applies extrication skills as required; prepares patients under varying environments to be safely moved to the vehicle for transport, is responsible for cooperating with partners to provide for the safe and smooth transport of everyone on-board vehicle; unloads the patient from the vehicle, and transfer patient care to the receiving facility; complete required documentation; and prepares vehicle and equipment for the next assignment.

Scope

Paramedical work involves a wide variety of duties and atmospheres. Duties range from repetitive maintenance of vehicles and living quarters to unique and demanding extrication problems. Often the work atmosphere consists of extreme weather conditions without adequate lighting, space, safety and/or personnel. The paramedic must be adept in carrying, lifting and extrication maneuvers that do not negatively impact patients, fellow workers, or self. Safety is a responsibility and paramedic knows the physical requirements of the job and works within those guidelines. Performs job duties safely at all time, utilizing learned body mechanics and transferring/lifting techniques. Plans actions to promote safety. Reports any unsafe situations/equipment according to hospital procedure. Works under physical and mental pressure produced by working with patients during emergency and non-emergency transports. May be exposed to communicable diseases. Must be willing to work all type of shifts (i.e. 12 or 24-hour schedules or on-call systems including nights, weekends and/or holidays).

Essential Job Functions

- Performs initial and on-going assessment of each patient and administers emergency medical care utilizing accepted guidelines of basic and advanced life support procedures in treating the sick and injured; examine patients and communicate physical assessment findings to base hospital physicians.
- Implements the appropriate medical protocols; recognizes and communicates pertinent changes in health status to on-line Medical Control Authority (MCA).

- Achieves and maintains standards of patient care and clinical performance in accordance with MCA and follows direction of the MCA, his/her designee and administrative personnel.
- Loads and transports patients from a point of pick-up to the vehicle and from the vehicle to the point of destination; this includes lifting patients to and from backboard, stretcher, or equivalent, and maneuvering patients through hallways, up and down stairways, and up and down vehicle/handicap ramps as required.
- Responsible always for the care and transportation of patients treated and for the accurate documentation and timely completion of all required paperwork.
- Operates all City vehicles under control always and in accordance with all federal, state and local laws and ordinances governing vehicle operation; must also comply with all City policies regarding safe and efficient vehicle operations.
- Responsible for appropriate radio transmissions and for appropriate responses to and compliance with all lawful 911 Dispatch.
- Works in collaboration always with physicians, nurses, and all other health care professionals, law enforcement, and members of the public to maintain positive relationships.
- Maintain patient confidentiality in accordance with all HIPAA regulations.
- Participates, as requested, in the education of other health care professionals and the public.
- Responsible for the proper care, use and appearance of his/her assigned vehicles and equipment.
- Maintain adequate inventory of EMS supplies.
- Maintain EMS apparatus readiness including rig check program and preventive maintenance programs, etc.
- Reports to assigned area on time and when scheduled to work as assigned.
- Act in a professional and respectful manner with EMS staff members.
- Immediately reports to the Emergency Medical Services Director, any malfunctions of and/or damage to any equipment, whether or not he/she was using or operating the equipment at the time of the damage or malfunction; responsible for accurate documentation of said incident within appropriate time.
- Immediately notifies the EMS Director, or his/her designee, of any incident not within normal or required operations; responsible for accurate documentation of said incident within accepted time frame.
- Adheres to all City of Charlevoix policies, procedures, and directives.

- Responsible for other duties as assigned by and at the sole discretion of administration.

Minimum Qualifications

- Possess high school diploma or GED certificate
- Possess and maintain a current, unrestricted, non-probationary State of Michigan EMS-Paramedic License
- Two (2) years of Paramedic experience preferred
- Possess and maintain a current, unrestricted Michigan driver's license
- Advanced Cardiac Life Support (ACLS) Certification
- AHA Basic Cardiac Life Support (BCLS, aka CPR) Certification
- Trauma Certification; PHTLS or ITLS Certification
- PALS or PEPP Certification
- Drivers Training Certificate (FFTC, CEVO, EVOC)
- Maintain level of function with Munson Medical Center's Northwest Regional Medical Control Authority (NRMCA)
- Be adept with the use of map books, electronic mapping and can receive and follow written and/or verbal instructions appropriately.
- Strong computer skills, including the ability to chart electronically and complete electronic documentation.
- Be able to maintain a respectful and positive attitude under a variety of conditions, and relate appropriately to a variety of individuals.
- Exemplary customer service, documentation and interpersonal abilities
- Be physically able to perform job functions as described.

The information contained in this position description is intended to describe the general content and requirements for successful performance of the job. It is not an exhaustive list of duties, responsibilities or requirements. Additional duties and requirements may be assigned at the sole discretion of the City. Hence, the job description does not constitute an employment agreement between the employer and employee and is subject to change by the employers as the needs of the employer and requirements of the job change. The position is an at-will position.

City Council approved: Pending

CHARLEVOIX CITY COUNCIL

Consent Agenda

TITLE: Administrative Assistant (Electric/DPW) Job Description Revision

DATE: March 19, 2018

BACKGROUND:

We are proposing a revision to the Administrative Assistant (Electric/DPW) job description to add the coordination of special events. This responsibility was previously performed by the now retired Executive Assistant and has been reassigned to the Administrative Assistant.

RECOMMENDATION:

Motion to approve the revision of the Administrative Assistant (Electric/DPW) Job Description.

ATTACHMENTS:

- ▣ Administrative Assistant (Electric/DPW) Job Description

CITY OF CHARLEVOIX

Title: Administrative Assistant **FLSA:** Non-exempt
STATUS: Full-time, union

Departments: Electric Department & Department of Public Works

Reports To: Superintendent, Electric Department and
Superintendent, Department of Public Works

Date: March 19, 2018

Position Summary

This position is responsible for providing administrative support to the Superintendent of the Electric Department and the Superintendent of the Department of Public Works (DPW) and for coordinating various events.

Scope

The person must exercise good professional judgment, personal responsibility and initiative while performing specialized duties. The individual coordinates electric and water service for the City's residential, commercial and industrial customers, such as synchronization with utility billing personnel and with field crews. The individual has daily contact with customers and with the public and must respond appropriately. Duties are performed in office/shop environment. Individual provides administrative support to both management and employees and concentration is often interrupted by phone calls and/or walk-ins from the public or from work crews. The volume of telephone calls is high and often contentious during power/water outages.

Essential Job Functions

- Answer phone and respond to designated correspondence for the Electric Department & the Department of Public Works. Responses may require interpretation and application of city, department, and office policies, procedures, rules, and regulations.
- Prepare time cards, daily time reports and payroll sheets for department personnel.
- Maintain related workplace safety files.
- Complete appropriate equipment request forms (sprinkler meter, security light, electric permit, transformer, etc.) and service work orders received directly from the consumer and/or review same received indirectly from other departments. Calculate estimates for water and/or electric jobs and code material appropriately. Distribute work orders to Electric & Department of Public Works personnel for action. Contact contractor/subcontractors as necessary, e.g., testing transformers for PCB contamination, testing meters for accuracy, etc. Provide new meter bases or meter horns to customers or plumbers as indicated and explain installation of same. Forward copies or summaries as necessary to the Treasurer Department for billing.
- Receive Miss Dig requests, coordinating same for electric, water, and street departments. Maintain records for same. Similarly, coordinate trouble calls and reports of low or downed lines with telecommunication carriers.
- Implement and maintain a motor pool software system that will track all City vehicles, maintenance completed, upcoming maintenance, vehicle replacement, etc. Schedule all maintenance as required.
- Enter and maintain spreadsheet that tracks fuel costs by work area.
- Develop bid documents/bid contracts for items and place ads in newspapers through bid openings and bid tabulation.
- Initiate purchase orders and code/process invoices for payment. Assign item numbers to all departmental equipment and supplies, so that utilization may be tracked via material

sheets for customer billing. Perform data entry to maintain MS ACCESS database for all department equipment, parts, and supplies/material as acquired (invoices) and used (material sheets). Reconcile work orders with inventory. Produce inventory reports (including labor distribution) for management.

- Maintain department/division files to ensure easy and quick access: Receive, sort, and assign/file physical forms and documents (meter and security light forms, material sheets, permits, outage report forms, transformer and switching status forms, et al).
- Enter data from documents/forms into appropriate EXCEL or ACCESS files (work orders, customer files, contractor usage, et al). Report and research specific information or documentation for various recurring and/or ad hoc reports. For example, produce year-end report of meter slips by street for planned maintenance analysis; working with the utility biller, compile report of consumer name and address changes for contractor use in executing Michigan backflow prevention program.
- Coordinate various events to include reviewing events with sponsors to identify service needs (i.e. banners, traffic and police support, parking, utilities, toilets, etc.), meeting with City department heads to ensure services can/will be provided and act as event point-of-contact for internal and external problems, etc.
- Perform light maintenance duties as needed.

Minimum Qualifications (Knowledge, Skills, and Abilities)

- High school diploma or equivalent required. College degree and/or completion of relevant administrative support training program(s) preferred.
- Minimum of three years progressively responsible administrative support experience or mix of education and experience required. Familiarity with municipal or similar electric/power and water operations preferred.
- PC proficiency and fast, accurate keyboard skills. Experience using MS Office Suite (WORD, EXCEL, OUTLOOK, ACCESS).
- Math aptitude and detail orientation.
- Strong organizational skills, including maintaining effective filing systems.
- Customer service orientation: ability to deal with complaints and to resolve problems.
- Professional demeanor and strong oral and written communication skills. Ability to coordinate activities effectively with work crews.
- Mature judgment and patience dealing with difficult people.
- Able to multitask and to prioritize work.

The information contained in this position description is intended to describe the general content and requirements for successful performance of the job. It is not an exhaustive list of duties, responsibilities or requirements. Additional duties and requirements may be assigned at the sole discretion of the City. Hence, the job description does not constitute an employment agreement between the employer and employee and is subject to change by the employers as the needs of the employer and requirements of the job change.

CC approved: Pending

CHARLEVOIX CITY COUNCIL

Public Hearings and Actions Requiring Public Hearings

TITLE: Public Hearing 787 Prohibited Swimming Ordinance

DATE: March 19, 2018

PRESENTED BY: Mark L. Heydlauff, City Manager

BACKGROUND:

Per Council's discussion regarding swimming and pier safety last fall, the consensus was to amend the current ordinance. In addition to modifying the penalty for "jumping off the pier" the proposed ordinance also clears up some ambiguous, redundant and, perhaps, unnecessary language. The City Manager is also working with some volunteers on developing a plan for signage, safety rings, etc. to improve safety conditions at all of our beach settings. The Charlevoix Community Pool has also volunteered to assist with placement of some life jackets at our beaches.

RECOMMENDATION:

Motion to approve Ordinance 787 of 2018 amending Title IX, Chapter 118 Prohibited Swimming/Wading Areas.

ATTACHMENTS:

- ▣ Chapter 118 Proposed Changes
- ▣ Ordinance 787 of 2018

CHAPTER 118
PROHIBITED SWIMMING/WADING AREAS
(Ord __, 02/06/18)

9.230. Prohibitions Related to the Pine River and Lake Michigan.

As used in this section, Pine River shall mean the water that constitutes the river and all its extensions and further which is bounded on the north by the cement walkway located on the shore; on the east by the inlet of the river at the westerly end of Round Lake; on the south by the cement walkway on the shore; and on the west by the pier heads at the outlet of the river on Lake Michigan. In addition, as used in this section, "pier" means any pier, ~~jetty, or other structure~~ located adjacent to the Pine River and shall include the entire length of each pier including the head or end of the pier and sides of each pier. It shall be unlawful for any person to:

a. swim or wade in Pine River.

~~b. swim or wade within fifteen (15) feet of a pier.~~

~~c.~~ b. dive from a pier.

~~d. access the Pine River or Lake Michigan from a pier for the purpose of swimming, wading or diving.~~

9.231. Violation—~~Misdemeanor~~Civil Infraction.

~~A violation of this Chapter shall be a municipal civil infraction pursuant to Section 1.12 of this Code. Each person violating any provision of this Chapter shall be guilty of a misdemeanor and shall be subject to a fine of not more than five hundred dollars (\$500) and costs of prosecution, or by imprisonment for not more than ninety (90) days, or both.~~

**CITY OF CHARLEVOIX
ORDINANCE NO. 787 of 2018**

AN ORDINANCE TO AMEND TITLE IX, CHAPTER 118, SECTION 9.230 AND SECTION 9.231 OF THE CHARLEVOIX CITY CODE

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Title IX, Chapter 118, Section 9.230 of the City Code is hereby repealed in its entirety and replaced with the following:

9.230. Prohibitions Related to the Pine River and Lake Michigan.

As used in this section, Pine River shall mean the water that constitutes the river and all its extensions and further which is bounded on the north by the cement walkway located on the shore; on the east by the inlet of the river at the westerly end of Round Lake; on the south by the cement walkway on the shore; and on the west by the pier heads at the outlet of the river on Lake Michigan. In addition, as used in this section, "pier" means any pier, jetty, or other structure located adjacent to the Pine River and shall include the entire length of each pier including the head or end of the pier and sides of each pier. It shall be unlawful for any person to:

- a. swim or wade in Pine River
- b. dive from a pier.

SECTION 2. Title IX, Chapter 118, Section 9.231 of the City Code is hereby repealed in its entirety and replaced with the following:

9.231. Violation—Civil Infraction.

A violation of this Chapter shall be a municipal civil infraction pursuant to Section 1.12 of this Code and shall be subject to a fine of five hundred dollars (\$500).

SECTION 3. Severability.

No other portion, paragraph or phase of the Code of the City of Charlevoix, Michigan shall be affected by this Ordinance except as to the above sections, and in the event any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or of the Code of the City of Charlevoix, Michigan.

SECTION 4. Effective Date.

This Ordinance shall become effective thirty (30) days after its enactment.

Ordinance No. 787 was adopted on the 19th day of March, 2018 A.D., by the Charlevoix City Council as follows:

Motion by:
Seconded by:

Yeas:
Nays:
Absent:

State of Michigan)
) §
City of Charlevoix)

Joyce M. Golding

Clerk

Luther Kurtz

Mayor

CHARLEVOIX CITY COUNCIL

Public Hearings and Actions Requiring Public Hearings

TITLE: Public Hearing 788 Cross Connection Ordinance

DATE: March 19, 2018

PRESENTED BY: Patrick M. Elliott, Department of Public Works Superintendent

BACKGROUND:

The City of Charlevoix is required by the Michigan Department of Environmental Quality (MDEQ) to have in place, a cross connection control ordinance and a cross connection control program. Both of which we have. Our program has been mainly focused on the commercial/industrial side of cross connection monitory, inspection and compliance. The MDEQ has never enforced the residential part of cross connection control, until now.

The purpose of a cross connection control program is to try and eliminate the potable water system from being contaminated by outside or undesirable substances through a backflow or backsiphonage situation.

The reason for modifying our current ordinance is to include the residential end of cross connection. The main changes to the ordinance are stating the frequency that a residential irrigation backflow device is required to be tested and clarifying who is responsible for paying for the testing/repair.

Assuming this ordinance change will be approved, City staff with then embark on an educational campaign explaining to the public what cross connection is and why it is important to implement the residential portion.

By modifying our existing ordinance, completing the educational portion, and then starting to complete residential surveys while we are on site, this will keep the City compliant with the MDEQ.

RECOMMENDATION:

Motion to approve Ordinance 788 of 2018 amending Title II, Chapter 22 City Water Utility.

ATTACHMENTS:

- ▣ Chapter 22 Proposed Changes
- ▣ Ordinance 788 of 2018

2.62. Lawn Sprinkling.

The City Manager, subject to approval by the Council, may regulate, limit or prohibit the use of water for any purpose. Such regulations shall restrict less essential water uses to the extent deemed necessary to assure an adequate supply for essential domestic and commercial needs and for fire-fighting. No such regulation, limitation or prohibition shall be effective until twenty-four (24) hours after the publication thereof in a newspaper of general circulation in the City. Any person violating such rule or regulation shall, upon conviction thereof, be punished as prescribed in Chapter 1 of this Code.

2.63. Additional Regulations.

The City Manager may make and issue additional rules and regulations concerning the Water Distribution System, connection thereto, meter installation and maintenance, connection and meter installation fees, hydrants and water mains and the appurtenances thereto, not inconsistent herewith. Such rules and regulations shall be effective upon approval by the City Council. The rules and regulations now in effect shall continue until changed in accordance with this section.

2.64. Injury to Facilities.

No person, except an employee of the City in the performance of his duties, shall willfully or carelessly break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the City Water Distribution System.

2.65. Cross Connections.

- (1) The City adopts by reference the Water Supply Cross Connection rules of the Michigan Department of Environmental Quality, being R325.11401 through R325.11407.
[Ord. 731, 07/21/08]
- (2) It shall be the duty of the Charlevoix Water Department to cause inspections to be made of all properties served by the public water supply, where cross connections with the public water supply is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Charlevoix Water Utility and as approved by the Michigan Department of Environmental Quality.
[Ord. 731, 07/21/08]
- (3) The representative of the Charlevoix Water Department shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the City of Charlevoix for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessee or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, where requested, shall be deemed ~~evidenevidence~~ ee of the presence of cross connections.
- (4) For all water services connected to the City Water Supply, ~~all~~ testable backflow prevention assemblies shall be tested upon installation to be sure that the device is working properly. Subsequent testing of residential lawn irrigation backflow prevention assemblies shall be tested at least once every five years, all other testable backflow prevention assemblies shall be conducted on an annual basis as required by the City and in accordance with the Michigan Department of Environmental Quality and the Michigan Plumbing Code requirements. The Charlevoix Water Department shall notify the water customer in writing of the required testing or repairs. The water customer shall be responsible for hiring a certified tester or performing any repairs and providing Water Department with proof of completion within 30 days from the date the written notice is sent. The 30 day deadline may be extended by the Water Department upon showing of good cause by the water customer. Only individuals that hold an American Society of Sanitary Engineering backflow tester certification ~~are certified in Cross Connection Control by the State of Michigan~~ shall be qualified to perform such testing. All cost for testing and associated cost accrued due to repairs to any backflow prevention assemblies are the responsibility of the water customer.

- |
- (5) The Charlevoix Water Utility is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this section exists, and to take such ~~precautionary~~^{precautionary} measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this section.

- (6) The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this section and by the State and Charlevoix County Plumbing Code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

Water Unsafe for Drinking

- (7) This section does not supersede the State Plumbing Code.
- (8) Any person violating the provisions of this Section or the written order of the City of Charlevoix Water Department in pursuance of this Section is responsible for a municipal civil infraction.

**CITY OF CHARLEVOIX
ORDINANCE NO. 788 of 2018**

AN ORDINANCE TO AMEND TITLE II, CHAPTER 22, SECTIONS 2.62 THROUGH 2.65 OF THE CHARLEVOIX CITY CODE

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Title II, Chapter 22, Section 2.62 of the City Code is hereby repealed in its entirety and replaced with the following:

2.62. Lawn Sprinkling.

The City Manager, subject to approval by the Council, may regulate, limit or prohibit the use of water for any purpose. Such regulations shall restrict less essential water uses to the extent deemed necessary to assure an adequate supply for essential domestic and commercial needs and for firefighting. No such regulation, limitation or prohibition shall be effective until twenty-four (24) hours after the publication thereof in a newspaper of general circulation in the City. Any person violating such rule or regulation shall, upon conviction thereof, be punished as prescribed in Chapter 1 of this Code.

SECTION 2. Title II, Chapter 22, Section 2.63 of the City Code is hereby repealed in its entirety and replaced with the following:

2.63. Additional Regulations.

The City Manager may make and issue additional rules and regulations concerning the Water Distribution System, connection thereto, meter installation and maintenance, connection and meter installation fees, hydrants and water mains and the appurtenances thereto, not inconsistent herewith. Such rules and regulations shall be effective upon approval by the City Council. The rules and regulations now in effect shall continue until changed in accordance with this section.

SECTION 3. Title II, Chapter 22, Section 2.64 of the City Code is hereby repealed in its entirety and replaced with the following:

2.64. Injury to Facilities.

No person, except an employee of the City in the performance of his duties, shall willfully or carelessly break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the City Water Distribution System.

SECTION 4. Title II, Chapter 22, Section 2.65 of the City Code is hereby repealed in its entirety and replaced with the following:

2.65. Cross Connections.

(1) The City adopts by reference the Water Supply Cross Connection rules of the Michigan Department of Environmental Quality, being R325.11401 through R325.11407. [Ord. 731, 07/21/08]

(2) It shall be the duty of the Charlevoix Water Department to cause inspections to be made of all properties served by the public water supply, where cross connections with the public water supply is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Charlevoix Water Utility and as approved by the Michigan Department of Environmental Quality.
[Ord. 731, 07/21/08]

(3) The representative of the Charlevoix Water Department shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the City of Charlevoix for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessee or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, where requested, shall be deemed evidence of the presence of cross connections.

(4) For all water services connected to the City Water Supply, testable backflow prevention assemblies shall be tested upon installation to be sure that the device is working properly. Subsequent testing of residential lawn irrigation backflow prevention assemblies shall be tested at least once every five years, all other testable backflow prevention assemblies shall be conducted on an annual basis as required by the City and in accordance with the Michigan Department of Environmental Quality and the Michigan Plumbing Code requirements. The Charlevoix Water Department shall notify the water customer in writing of the required testing or repairs. The water customer shall be responsible for hiring a certified tester or performing any repairs and providing Water Department with proof of completion within 30 days from the date the written notice is sent. The 30 day deadline may be extended by the Water Department upon showing of good cause by the water customer. Only individuals that hold an American Society of Sanitary Engineering backflow tester certification shall be qualified to perform such testing. All cost for testing and repairs to any backflow prevention assemblies are the responsibility of the water customer.

(5) The Charlevoix Water Utility is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this section exists, and to take such precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this section.

CHARLEVOIX CITY COUNCIL

Public Hearings and Actions Requiring Public Hearings

TITLE: Public Hearing 789 Sign Ordinance

DATE: March 19, 2018

PRESENTED BY: Sarah Lucas, Networks Northwest

BACKGROUND:

After extensive work on the Sign Ordinance, the Planning Commission (PC) submitted their draft to the City Attorney for his review. The Planning Commission accepted all of the legal review comments with the exception of the following:

- Section 5.101(2)a -- the PC changed the size to two square foot in area
- Section 5.101(5) Unsafe Signs -- the PC kept as they had it written. When compared to dangerous signs in the Nuisance Ordinance this language makes sense and works with the Nuisance Ordinance.
- Section 5.103(6) -- PC strongly felt that the temporary banner program is important to the community and must be kept. I worked with the lawyer to rewrite the section. If the city wants any review of these banner signs, we have to have them go through a sign permit process. If the city does not need to pre-approve these signs that sentence can be struck. There can be different approval processes for different types of signs, and we can create one specifically for banner signs if we need to. Approval can't, however, be subject to the whim of the Zoning Administrator. Furthermore, we *can* stipulate that the length of time these signs can be up. Legally we can stipulate this, even though we have to read the content of the sign to know when the event is, because the regulation is confined to the "space" and not the message or the identity of the speaker. There are some court cases that support this line of thinking.

The Planning Commission approved the final draft Sign Ordinance at their January 12th meeting. However, after their approval an error was discovered in that Sections 5.103 and 5.115 conflict. Section 5.103 requires that temporary banners obtain a sign permit, while Section 5.115 states that a sign permit is not required but needs the Zoning Administrator's approval. The Commission intended that banners would require a sign permit and not need the Zoning Administrator's approval. If Council concurs, Council should add "as amended" to the recommended motion.

RECOMMENDATION:

Motion to approve Ordinance 789 of 2018 replacing Title V, Article 11 Signs.

ATTACHMENTS:

- City Attorney Legal Review Letter
- Ordinance 789 of 2018



To: City of Charlevoix Planning Commission

From: Olson, Bzdok & Howard, P.C.

Date: February 8, 2018

Re: Proposed new Sign Ordinance

Our file no. 5984.00

As requested, we have conducted further review of the U.S. Supreme Court's 2015 case *Reed v Town of Gilbert, Arizona*, which dramatically altered the ways in which municipalities may regulate speech in the form of signage, and additional cases relying on *Reed*. Based upon that research, we have revised the draft sign ordinance to reflect the current First Amendment law on this issue. The following points briefly summarize those revisions:

- 5.101(1)(c): removed reference to Section 5.101(6) as irrelevant.
- 5.101(1)(f): removed language prohibiting signs that may be perceived as directional as content-based regulation. "Temporary directional signs" were the subject of the regulation that the *Reed* court invalidated.
- 5.101(1)(h): removed reference to Banner Program. The program as currently designed discriminates based on the content of the message (i.e., the city Zoning Administrator must make a judgment call that the event advertised creates a benefit to the city). We recommend getting rid of the banner program altogether. If the City wants to keep the program, new provisions should be put in place for a permitting process open to all.
- 5.101(1)(j): removed "flags" and "feathers" because they could be construed as being a type of speech typically affiliated with certain kinds of groups or messages, which would make it a content-based restriction. Removed the reference to banners for the reasons above.
- 5.101(1)(k): removed "billboard highway advertising signs" as a content-based restriction because it is open to an interpretation that billboards which are not advertising are permitted. We recommend either prohibiting "billboards" generally or authorizing billboards under 5.103 with additional provisions regulating size, lighting, etc.
- 5.101(2)(b): removed "or pursuant to the authorization of" because it could be construed to include anyone who gets a permit.
- 5.101(2)(d): removed "non-commercial" as content-based regulation.

- 5.101(2)(e): removed because it could potentially be read to prohibit things that were not intended to be prohibited, and architectural features and works of art are different than “signs” anyway. Further, art and architecture are forms of expression that may carry their own First Amendment implications.
- 5.101(5)(c)(viii): changed language regarding cost of repairs to authorize removal by the city if the unsafe sign is in imminent danger of collapse causing injury or damage to persons or property. We don’t think cost should be the determining factor in whether the city addresses the unsafe condition; rather, the threat to safety should control.
- 5.102(1)(a): revised language for clarity.
- 5.102(1)(b): removed language about holiday displays. This is clear content-based regulation.
- 5.102(2)(c): removed last clause about vantage points. We think the remaining language is clearer. Consider whether overall dimension limits, etc. should be revised to reflect that the sign face area is cumulative as currently written.
- 5.103(6): Again, removed temporary banner sign provisions. This is content-based.
- 5.103(6): removed “commercial” qualifier from flag dimension provisions as underinclusive.
- 5.108(1)(c): removed based upon recommendation to discontinue banner program.
- 5.112(1)(c): removed reference to banner program.
- 5.114(1)(c): added language (parallel to Sections 5.109 and 5.11) concerning neon signs. References elsewhere indicated neon signs were intended to be permitted in CH district.
- All additional references to the banner program were removed.

We hope you find this information useful to your consideration of the new sign ordinance. Please let us know if we can provide further advice on this matter.

CITY OF CHARLEVOIX
ORDINANCE NO. 789 of 2018
AN ORDINANCE TO AMEND TITLE V, CHAPTER 51, ARTICLE 11 OF THE CHARLEVOIX CITY CODE

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Title V, Chapter 51, Article 11 of the City Code is hereby repealed in its entirety and replaced with the following:

ARTICLE 11 SIGNS

5.100. Purpose

The purpose of this article is to regulate signs designed to be visible to the public in a manner which does not restrict the content thereof while:

1. Recognizing the mass communications needs of both businesses and other parties.
2. Protecting property values and neighborhood character.
3. Creating a more attractive business climate.
4. Promoting pedestrian and traffic safety by reducing sign distractions, obstructions and other hazards.
5. Promoting pleasing community environmental aesthetics.
6. Discouraging visual competition among businesses.

5.101. General Provisions

(1) Prohibited Signs

The following signs shall not be allowed in any zoning district:

- a. Signs that are not consistent with the standards of this chapter.
- b. Signs that are not clean i.e. are covered with materials that obscure the message, in whole or in part. Signs that are not in good repair, i.e. having broken foundation, base or support structures, lighting fixtures, etc., and/or having a faded appearance.
- c. Signs that are structurally unsafe and/or dangerous, i.e. in a state of disrepair or being designed and/or constructed so as to pose a likely threat of total or partial collapse. See *Section 5.101(5)*.
- d. Signs that are not securely affixed to a substantial structure that will hold the sign in a fixed position under normal weather conditions.
- e. Signs that are attached to any natural growth, such as trees, shrubs or other natural foliage.
- f. Signs other than official utility company signs affixed to power utility poles or other utility structures or fixtures.
- g. Signs located so as to interfere with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads. (See *Section 5.62.*)
- h. Signs in public rights-of-way other than those allowed by the State of Michigan TODS program.
- i. External neon signs other than in the GC, CBD, or CH Districts.
- j. All types of pennants, streamers and airborne devices attached to the ground or

- buildings.
- k. Billboards.
- l. Internally lighted signs.
- m. Off-premises signs.
- n. Roof signs.
- o. Signs containing an electronic sign face other than allowed by *Section 5.104(1)*.

(2) Signs Authorized Without a Sign Permit

The following signs are authorized in any district without a Sign Permit and are not included towards the maximum number of signs allowed on a parcel, but shall conform to the applicable requirements of this chapter and the applicable building codes.

- a. Signs posted on private property less than or equal to two (2) square foot in sign face area.
- b. Signs erected by, on behalf of a governmental body for purposes of protecting the public health, safety, and welfare.
- c. Official signs erected by public utilities.
- d. Flags or insignia.
- e. Any sign located wholly within a building and not visible from outside the building.
- f. Window signs located on the interior of a building. Window signs located on the exterior of a building are considered wall signs and are subject to all applicable regulations.
- g. Public signs or signs sanctioned by a public body on public land are not subject to this chapter.

(3) Permit Required for Signs

- a. Except as otherwise provided in this chapter, no sign may be constructed, erected, moved, enlarged, illuminated or otherwise altered unless a sign permit has been issued in accordance with the provisions of this chapter. Repainting or changing the message of a sign is not in and of itself considered an alteration.
- b. Application for a sign permit shall be submitted to the zoning administrator on appropriate forms supplied by her/his office. Said application shall contain the following information:
 - i. Name, address, and telephone number of the applicant.
 - ii. Written permission of property owner on whose property the sign will be located (if the applicant is not the property owner).
 - iii. Type of sign as defined by this chapter.
 - iv. Scaled drawing showing sign size, height, type of support (if applicable), zoning district in which the sign will be located, location of sign on property including front and side yard setback distances and any other information required herein.
 - v. Street address of the property upon which the sign will be located.
 - vi. The name of the sign contractor, who shall erect the sign and/or sign structure.
- c. No permit shall be issued for the erection of any sign or signs until such sign(s) have been reviewed and approved by the zoning administrator and without first

having paid a permit fee as established by the city council.

- d. Any person aggrieved by a decision of the zoning administrator may appeal that decision to the zoning board of appeals.

(4) Signs in Public Rights-of-Way

All signs in the US 31 and M 66 Highway Rights of Way are jointly regulated by the City of Charlevoix and Michigan Department of Transportation (MDOT) at locations approved by and installed in accord with the State of Michigan TODS program.

(5) Unsafe Signs

- a. No person, corporation, business organization or other legal entity shall own or maintain any sign or advertising device that is structurally unsafe. For purposes of this section, the term “structurally unsafe” shall mean being in a state of disrepair or being designed and/or constructed so as to pose a likely threat of a total or partial collapse.
- b. The zoning administrator and/or other officials designated by the zoning administrator shall have the right to inspect signs and advertising devices to determine whether they are structurally unsafe. The zoning administrator and/or other officials designated by the zoning administrator may exercise this right of inspection by consent of the owner of the sign or advertising device and the owner of the property on which the sign or advertising device is located or by administrative search warrant.
- c. If the zoning administrator finds that a sign or advertising device is structurally unsafe, he or she shall serve on the owner of the sign or advertising device and the owner of the property on which the sign or advertising device is located a written notice, which specifies all of the following:
 - i. The location of the sign or advertising device that is structurally unsafe.
 - ii. The nature of the unsafe condition.
 - iii. The date, no less than twenty (20) days after the written notice was served, before which the owner of the sign or advertising device or the owner of the property on which the sign or advertising device is located shall remedy the unsafe condition.
 - iv. A statement that if the owner of the sign or advertising device or the owner of the property on which the sign or advertising device is located fails to remedy the unsafe condition within the time specified in the written notice, the city may enter onto the property to remedy the unsafe condition and charge the costs of such action, including reasonable attorney fees, to the owner of the sign or advertising device and/or the owner of the property on which the sign or advertising device is located.
 - v. A statement that the owner of the sign or advertising device and the owner of the property on which the sign or advertising device is located has the right before the expiration of the deadline contained in the written notice to request a hearing before the city council regarding whether the sign or advertising device is structurally unsafe.

- vi. The service required by this subsection shall be personal service or service by certified mail, restricted delivery, return receipt requested. For purposes of this section, the phrase “remedy the unsafe condition” shall mean repairing the sign or advertising device so that it does not pose a serious threat of a total or partial collapse or removing the sign or advertising device from the property.
- vii. If the owner of the sign or advertising device or the owner of the property on which the sign or advertising device is located requests a hearing before the city council as provided in this section, the city shall take no action to remedy the unsafe condition until, after notice and hearing, the city council finds that the sign or advertising device is structurally unsafe. A notice of the time, date and place of the hearing before the city council shall be served on the owner of the sign or advertising device and on the owner of the property on which the sign or advertising device is located no less than fourteen (14) days before the scheduled hearing. The service of this notice may be made by first class mail. The owner of the sign or advertising device or the owner of the property on which the sign or advertising device is located may appeal an adverse decision by city council to the circuit court as provided by law.
- viii. In exercising its right under this section to remedy the unsafe condition, either with or without a hearing before the city council, the city shall remove the sign or advertising device from the property if the unsafe sign is in imminent danger of collapse causing injury or damage to persons or property. The costs of remedying and/or removing the unsafe condition shall be collected by the city from the owner of the sign or advertising device or the owner of the property on which the sign or advertising device is located.

(6) Nonconforming Signs

- a. Subject to the remaining restrictions of this Section, nonconforming signs that were otherwise lawful on the effective date of this chapter may be continued, repaired and maintained as is necessary to keep in a sound condition.
- b. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. In addition, no person may add illumination.
- c. A nonconforming sign may not be moved or replaced except to bring the sign into greater conformity with this chapter.
- d. If a nonconforming sign is destroyed to the extent it is impractical to be restored using a majority of its existing major components, it may not thereafter be repaired, reconstructed or replaced except in conformity with all the provisions of this chapter, and the remnants of the former sign structure shall be cleared from the land.
- e. The message of a nonconforming sign may be changed so long as this does not create any new non-conformity.

5.102. Sign Standards for All Signs

(1) Number and Placement Requirements

- a. A number of small signs with organized elements or cohesive design may be construed as a single sign. Where graphic material is displayed in a random manner without an organized relationship of elements, each element may be considered a single sign.
- b. No sign may extend above any parapet or be placed upon any roof surface, except that for purposes of this chapter, roof surfaces constructed at an angle of seventy-five (75) degrees or more from horizontal shall be regarded as wall space.

(2) Computation of Sign Face Area

- a. The sign face area of a sign shall be computed by including the entire area within a single, continuous perimeter of a circle, triangle, rectangle or parallelogram enclosing the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.
- b. If the sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign face area.
- c. Subject to the provisions of *Section 5.103 (2)* the sign face area of two-sided, multi-sided or three-dimensional signs shall be computed by including the total of all sides designed to attract attention or communicate information.

(3) Sign Height

- a. The height of a sign shall be measured vertically from the ground level to the top of the sign, unless otherwise specified.

(4) Illumination and Lighting

- a. All electrical wiring to a sign shall be placed underground when applicable.
- b. Signs must be lighted indirectly and not internally. Indirect lighting shall be directed either downward or upward onto the sign face and shielded so that it illuminates only the sign face and does not shine directly into a public right-of-way or residential premises.
- c. Signs may be illuminated using a high intensity reflective surface or lettering.
- d. No sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity.
- e. External neon signs no larger than two (2) square feet in sign face area are allowed in the GC (General Commercial), CBD (Central Business District), and CH (Commercial Hospitality) zoning districts only.

(5) Sign Materials

- a. Signs shall be constructed of durable materials.
- b. Natural or natural-like materials are encouraged. Earth tone colors are to be

- encouraged.
- c. It is recommended that the sign be constructed of materials compatible with the existing structure.

5.103. Sign Standards for Specific Signs

(1) Ground Signs

- a. No part of a ground sign may exceed a height of sixteen (16) feet, measured from ground level.
- b. No part of a ground sign may be closer than four (4) feet to the right-of-way line.

(2) Two-sided Signs

- a. A two-sided or multi-sided sign shall be regarded as one (1) sign so long as the interior angle of a "V" type sign does not exceed thirty (30) degrees and the two (2) side are at no point separated by a distance that exceeds five (5) feet; and the distance between the backs of each face of a double-faced (back-to-back) sign does not exceed three (3) feet.

(3) Wall Signs

- a. No wall sign attached to a building may project more than twelve (12) inches from the building wall. In those instances where a wall sign is affixed to the wall of the structure which lies on a right-of-way line, the bottom of the wall sign may be no closer than eight (8) feet from the ground. In all other instances, see *Section 5.115* for height requirements.

(4) Projecting Signs

- a. Projecting signs located above a public right-of-way shall be located at least nine (9) feet from ground level, measured vertically from ground level to the bottom of the sign.
- b. Projecting signs located above an alley shall be located at least sixteen (16) feet above ground level, measured vertically from ground level to the bottom of the sign.
- c. No part of a projecting sign may extend more than eight (8) feet over private property or a public right-of-way.

(5) Awning, Canopy, Marquee Signs

- a. Except for awning, canopy, and marquee signs hanging entirely over private property, no part of an awning sign may be closer than eight (8) feet from ground level.

(6) Temporary Banner Signs

- a. Temporary banners in conjunction with a one-time event are only allowed in two (2) specific locations within the city, adjacent to the city golf course and near the intersection of M-66 and US-31. Temporary banners require a sign permit. Temporary banners may be erected not more than two (2) weeks before the event and must be removed within two (2) days after the event.

(7) Flags

- a. Flags shall be a maximum of fifteen (15) square feet and shall be located so as to not interfere with pedestrian activity.

(8) Sandwich Board Signs

- a. Shall be not more than forty-eight (48) inches in height and thirty (30) inches in width, and cannot exceed six (6) square feet in sign face area;
- b. Shall be located on private property;
- c. Shall not block pedestrian access;
- d. Shall be constructed of durable materials and be clearly portable in terms of size, weight and placement; and
- e. Shall only be displayed between the hours of 7:00 a.m. and 12:00 a.m.
- f. Shall use chalkboards or whiteboards for their signage area.
- g. Shall not utilize changeable lettering for their messaging

5.104. Sign Standards for Specific Land Use

(1) Automobile Gasoline Service Stations

- a. In addition to the signs allowed by *Section 5.115*, automobile gasoline service stations, including any business selling gasoline, may display one (1) other sign with a sign face area not to exceed eighteen (18) square feet. For purposes of this subsection, the sign may be an electronic sign face. Signs on pump canopies may be considered secondary to a station's primary sign should the primary sign, for example be a ground sign. See *Section 5.105* for all dimensional requirements.
- b. On-premise signs displayed over individual entrances or service bays shall be permitted. Not more than one (1) such sign per bay shall be permitted and each sign shall not exceed four (4) square feet in total sign face area. See *Section 5.105* for all dimensional requirements.

(2) Major Home Occupations

- a. Major home occupations may have one (1) wall sign no larger than four (4) square feet. See *Section 5.105* for all dimensional requirements.

(3) Multi-tenant Business Center

- a. Notwithstanding the requirements of *Section 5.115* In the case of a shopping center or other integrated group of stores or commercial buildings, one (1) ground sign may be erected per street frontage. The maximum area for such a sign face shall be equal to twenty (20) square feet one of sign face area for each business, or sixty (60) square feet, whichever is less. See *Section 5.105* for all dimensional requirements.

5.105. Schedule of Regulations for Specific Land Use

Table 5.105 Schedule of Regulations for Specific Land Use

Land Use	Sign Type Allowed	Sign Face Area	Height	Number	Location	Permit Required?
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Major Home Occupations	Wall	Max 4 sf	Max 8 ft	Max 1 per parcel	First floor of building	Yes
Business Center	Ground	See Section 5.104(3)	Max 16 ft	See Section 5.104(3)	Min set back 4 ft from ROW	Yes
Automobile Gasoline Service	Electronic	Max 18 sf	Max 16 ft	See Section 5.104(1)	Min set back 4 ft from ROW	Yes
	Service Bay	Max 4 sf	Min 8 ft Max 12 ft	Max 1 per service bay	See Section 5.104 (1)	Yes

5.106 R1, R2, R2A, R4, PC, and SR Zoning Districts

The following signs are authorized in the R1 (Residential Low Density), R2 (Residential Medium Density), R2A (Residential Medium Density – Multi Family), R4 (Residential Planned High Density), PC (Residential Private Clubs), and SR (Scenic Reserve) zoning districts. See *Section 5.115* for all dimensional requirements.

(1) Signs Not Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized without a sign permit:

- a. Signs authorized by *Section 5.101(2)*.
- b. Temporary signs less than or equal to eight (8) square feet in sign face area. Such signs shall be removed within seven (7) days after the activity referenced has concluded.

(2) Signs Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized after issuance of a sign permit:

- a. Temporary signs greater than eight (8) square feet in sign face area but not to exceed thirty-six (36) square feet and less than eight (8) feet in height. Such signs shall be removed within seven (7) days after activity referenced has concluded.
- b. On-premise ground sign.

5.107 PUD Zoning District

The following signs are authorized in the PUD (Planned Unit Development) zoning district. See *Section 5.115* for all dimensional requirements.

(1) Signs Not Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized without a sign permit:

- a. Signs authorized by *Section 5.101(2)*.
- b. Temporary signs less than or equal to sixteen (16) square feet in sign face area. Such signs shall be removed within seven (7) days after the activity referenced has concluded.

(2) Signs Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized after issuance of a sign permit:

- a. Temporary signs greater than sixteen (16) square feet in sign face area but not to exceed 36 square feet and less than eight (8) feet in height. Such signs shall be

- removed within seven (7) days after activity referenced has concluded.
- b. On-premise ground sign.
- c. On-premise projecting sign.
- d. On-premise wall sign.

(3) Mixed-use Planned Unit Development

- a. Except for the signs permitted under *Section 5.107*, no other signs are permitted in residential areas of a PUD zoning district, but are allowed in the commercial areas of a PUD zone district. See *Section 5.115* for all dimensional requirements.

5.108 PF Zoning District

The following signs are authorized in the PF (Public Facilities) zoning District. See *Section 5.115* for all dimensional requirements.

(1) Signs Not Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized without a sign permit:

- a. Signs authorized by *Section 5.101(2)*.
- b. Temporary signs less than or equal to sixteen (16) square feet in sign face area. Such signs shall be removed within seven (7) days after the activity referenced has concluded.

(2) Signs Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized after issuance of a sign permit:

- a. Temporary signs greater than sixteen (16) square feet in sign face area but not to exceed 36 square feet and less than eight (8) feet in height. Such signs shall be removed within seven (7) days after activity referenced has concluded.
- b. On-premise ground sign.
- c. On-premise wall sign.

5.109 GC Zoning District

The following signs are authorized in the GC (General Commercial) zoning district. See *Section 5.115* for all dimensional requirements.

(1) Signs Not Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized without a sign permit:

- a. Signs authorized by *Section 5.101(2)*.
- b. Temporary signs less than or equal to sixteen (16) square feet in sign face area. Such signs shall be removed within seven (7) days after the activity referenced has concluded.
- c. External neon signs no larger than two (2) square feet in sign face area.

(2) Signs Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized after issuance of a sign permit:

- a. Temporary signs greater than sixteen (16) square feet in sign face area but not to exceed 36 square feet and less than eight (8) feet in height. Such signs shall be removed within seven (7) days after activity referenced has concluded.

- b. On-premise awning, canopy, or marquee sign.
- c. On-premise ground sign.
- d. On-premise projecting sign.
- e. On-premise wall sign.

5.110 CM Zoning District

The following signs are authorized in the CM (Commercial Mixed Use) zoning district. See *Section 5.115* for all dimensional requirements.

(1) Signs Not Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized without a sign permit:

- a. Signs authorized by *Section 5.101(2)*.
- b. Temporary signs less than or equal to sixteen (16) square feet in sign face area and less than eight (8) feet in height. Such signs shall be removed within seven (7) days after the activity referenced has concluded.
- c. Portable signs. See *Section 5.103(8)*.

(2) Signs Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized after issuance of a sign permit:

- a. On-premise temporary ground signs greater than sixteen (16) square feet in sign face area but not to exceed 36 square feet and less than eight (8) feet in height. Such signs shall be removed within seven (7) days after activity referenced has concluded.
- b. On-premise awning, canopy, or marquee sign.
- c. On-premise ground sign.
- d. On-premise projecting sign.

5.111 CBD Zoning District

The following signs are authorized in the CBD zoning districts. See *Section 5.115* for all dimensional requirements.

(1) Signs Not Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized without a sign permit:

- a. Signs authorized by *Section 5.101(2)*.
- b. Temporary signs less than or equal to sixteen (16) square feet in sign face area and less than eight (8) feet in height. Such signs shall be removed within seven (7) days after the activity referenced has concluded.
- c. External neon signs no larger than two (2) square feet in sign face area.
- d. One (1) commercial flag per business. See *Section 5.103(7)*.
- e. Portable signs. See *Section 5.103(8)*.

(2) Signs Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized after issuance of a sign permit:

- a. Temporary signs greater than sixteen (16) square feet in sign face area but not to exceed 36 square feet and less than eight (8) feet in height. Such signs shall be removed within seven (7) days after activity referenced has concluded.
- b. On-premise awning, canopy, marquee sign.
- c. On-premise ground sign.

- d. On-premise projecting sign.
- e. On-premise wall sign.

5.112 I Zoning District

The following signs are authorized in the I (Industrial) zoning district. See *Section 5.115* for all dimensional requirements.

(1) Signs Not Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized without a sign permit:

- a. Signs authorized by *Section 5.101(2)*.
- b. Temporary signs less than or equal to sixteen (16) square feet in sign face area and less than eight (8) feet in height. Such signs shall be removed within seven (7) days after the activity referenced has concluded.

(2) Signs Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized after issuance of a sign permit:

- a. Temporary signs greater than sixteen (16) square feet in sign face area but not to exceed 36 square feet and less than eight (8) feet in height. Such signs shall be removed within seven (7) days after activity referenced has concluded.
- b. On-premise awning, canopy, marquee sign.
- c. On-premise ground sign.
- d. On-premise projecting sign.
- e. On-premise wall sign.

5.113 PO and MC Zoning Districts

The following signs are authorized in the PO (Professional Office) and MC (Marine Commercial) zoning districts. See *Section 5.115* for all dimensional requirements.

(1) Signs Not Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized without a sign permit:

- a. Signs authorized by *Section 5.101(2)*.
- b. Temporary signs less than or equal to sixteen (16) square feet in sign face area and less than eight (8) feet in height. Such signs shall be removed within seven (7) days after the activity referenced has concluded.

(2) Signs Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized after issuance of a sign permit:

- a. Temporary signs greater than sixteen (16) square feet in sign face area but not to exceed 36 square feet and less than eight (8) feet in height. Such signs shall be removed within seven (7) days after activity referenced has concluded.
- b. On-premise awning, canopy, marquee sign.
- c. On-premise ground sign.
- d. On-premise projecting sign.
- e. On-premise wall sign.

5.114 CH Zoning District

The following signs are authorized in the CH (Commercial Hospitality) district. See *Section*

5.115 for all dimensional requirements.

(1) Signs Not Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized without a sign permit:

- a. Signs authorized by *Section 5.101(2)*.
- b. Temporary signs less than or equal to sixteen (16) square feet in sign face area and less than eight (8) feet in height. Such signs shall be removed within seven (7) days after the activity referenced has concluded.
- c. External neon signs no larger than two (2) square feet in sign face area.

(2) Signs Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized after issuance of a sign permit:

- a. Temporary signs greater than sixteen (16) square feet in sign face area but not to exceed 36 square feet and less than eight (8) feet in height. Such signs shall be removed within seven (7) days after activity referenced has concluded.
- b. On-premise ground sign.
- c. On-premise projecting sign.
- d. On-premise wall sign.

5.115 Schedule of Regulations

Table 5.115 Schedule of Regulations by Zoning District						
Zoning District	Sign Type	Max Sign Face Area	Max Height	Max. Number	Location	Permit Required?
R1, R2, R2A, R4, PC, SR	Temporary	Max 36 sf	Max 8 ft	1/public frontage	Min set back 4 ft from ROW	No – if sign face area less than/equal to 8 sf
	Ground	Max 16 sf	Max 16 ft	1/public frontage	Min set back 4 ft from ROW	Yes
PUD	Temporary	Max 36 sf	Max 8 ft	1/public frontage	Min set back 4 ft from ROW	No – if sign face area less than/equal to 16 sf
	Wall	Max 30 sf	Max 8 ft	1/parcel	First floor of building	Yes
	Ground	Max 16 sf	Max 16 ft	1/public frontage	Min set back 4 ft from ROW	Yes
	Projecting	Max 16 sf	Min 8 ft Max 12 ft	1/public frontage	Shall not be located in ROW	Yes
PF	Temporary Banner	Max 30 sf	Max 16 ft	n/a	US 31/M 66 intersection only. Shall not be located in ROW	No – Zoning Administrator approval is required
	Temporary	Max 36 sf	Max 8 ft	1/public frontage	Min set back 4 ft from ROW	No – if sign face area less than/equal to 16 sf
	Wall	Max 30 sf	Max 8 ft	1/parcel	First floor of building	Yes

	Ground	Max 16 sf	Max 16 ft	1/public frontage	Min set back 4 ft from ROW	Yes
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Zoning	Sign Type	Max	Max	Max.	Location	Permit Required?
District		Sign Face Area	Height	Number		
GC	Temporary	Max 36 sf	Max 8 ft	1/public frontage	Min set back 4 ft from ROW	No – if sign face area less than/equal to 8 sf
	Wall	Max 30 sf	Max 8 ft	1/parcel	First floor of building	Yes
	Awning, Canopy, Marquee	Max 16 sf	Max 8 ft	1/awning, canopy, or marquee	Shall not be located in ROW	Yes
	Ground	Max 20 sf	Max 16 ft	1/public frontage	Min set back 4 ft from ROW	Yes
	Projecting	Max 16 sf	Min 8 ft Max 12 ft	1/parcel	Shall not be located in ROW	Yes
	External Neon	Max 2 sf	Max 8 ft	1/business	n/a	No
CM	Temporary	Max 36 sf	Max 8 ft	1/public frontage	Min set back 4 ft from ROW	No – if sign face area less than/equal to 16 sf
	Portable	Max 6 sf	Max 4 ft	1/business	No	
	Awning, Canopy, Marquee	Max 16 sf	Max 8 ft	1/awning, canopy, or marquee	Shall not be located in ROW	Yes
	Ground	Max 16 sf	Max 16 ft	1/public frontage	Min set back 4 ft from ROW	Yes
	Projecting	Max 16 sf	Min 8 ft Max 12 ft	1/parcel	Shall not be located in ROW	Yes
CBD	Temporary	Max 36 sf	Max 8 ft	1/public frontage	Min set back 4 ft from ROW	No – if sign face area less than/equal to 16 sf
	Wall	Max 30 sf	Max 8 ft	1/parcel	First floor of building	Yes
	Portable	Max 6 sf	Max 4 ft	1/business	No	
	External Neon	Max 2 sf	Max 8 ft	1/business	n/a	No
	Commercial Flag	Max 15 sf	n/a	1/business	Shall not interfere with pedestrians	No
	Awning, Canopy, Marquee	Max 16 sf	Max 8 ft	1/awning, canopy, marquee	Shall not be located in ROW	Yes
	Ground	Max 16 sf	Max 16 ft	1/public frontage	Min set back 4 ft from ROW	Yes
	Projecting	Max 16 sf	Min 8 ft Max 12 ft	1/parcel	Shall not be located in ROW	Yes

Zoning District	Sign Type	Max Sign Face Area	Max Height	Max. Number	Location	Permit Required?
CBD Cont.	Awning, Canopy, Marquee	Max 16 sf	Max 8 ft	1/awning, canopy, marquee	Shall not be located in ROW	Yes
	Ground	Max 16 sf	Max 16 ft	1/public frontage	Min set back 4 ft from ROW	Yes
	Projecting	Max 16 sf	Min 8 ft Max 12 ft	1/parcel	Shall not be located in ROW	Yes
	Temporary	Max 36 sf	Max 8 ft	1/public frontage	Min set back 4 ft from ROW	No – if sign face area less than/equal to 16 sf
	Temporary Banner	Max 30 sf	Max 16 ft	n/a	Adjacent to City Golf Course. Shall not be located in ROW	No – Zoning Administrator approval is required
	Wall	Max 30 sf	Max 8 ft	1/parcel	First floor of building	Yes
	Awning, Canopy, Marquee	Max 16 sf	Max 8 ft	1/awning, canopy, marquee	Shall not be located in ROW	Yes
	Ground	Max 16 sf	Max 16 ft	1/public frontage	Min set back 4 ft from ROW	Yes
	Projecting	Max 16 sf	Min 8 ft Max 12 ft	1/parcel	Shall not be located in ROW	Yes
PO, MC	Temporary	Max 36 sf	Max 8 ft	1/public frontage	Min set back 4 ft from ROW	No – if sign face area less than/equal to 16 sf
	Wall	Max 30 sf	Max 8 ft	1/parcel	First floor of building	Yes
	Awning, Canopy, Marquee	Max 16 sf	Max 8 ft	1/awning, canopy, marquee	Shall not be located in ROW	Yes
	Ground	Max 16 sf	Max 16 ft	1/public frontage	Min set back 4 ft from ROW	Yes
	Projecting	Max 16 sf	Min 8 ft Max 12 ft	1/parcel	Shall not be located in ROW	Yes
CH	Temporary	Max 36 sf	Max 8 ft	1/public frontage	Min set back 4 ft from ROW	No – if sign face area less than/equal to 16 sf
	Wall	Max 30 sf	Max 8 ft	1/parcel	First floor of building	Yes
	Ground	Max 20 sf	Max 16 ft	1/public frontage	Min set back 4 ft from ROW	Yes
	Projecting	Max 16 sf	Min 8 ft Max 12 ft	1/parcel	Shall not be located in ROW	Yes

5.116 Severability and Substitution Clause

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this code is declared invalid or unconstitutional, such invalidity shall not affect the validity or enforceability of the remaining portions of the code.

SECTION 2. Severability.

No other portion, paragraph or phase of the Code of the City of Charlevoix, Michigan shall be affected by this Ordinance except as to the above sections, and in the event any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or of the Code of the City of Charlevoix, Michigan.

SECTION 3. Effective Date.

This Ordinance shall become effective thirty (30) days after its enactment.

Ordinance No. 789 was adopted on the 19th day of March, 2018 A.D., by the Charlevoix City Council as follows:

Motion by:

Seconded by:

Yeas:

Nays:

Absent:

State of Michigan)
) §
City of Charlevoix)

Joyce M. Golding Clerk

Luther Kurtz Mayor

CHARLEVOIX CITY COUNCIL

Public Hearings and Actions Requiring Public Hearings

TITLE: Public Hearing 790 Nuisance Ordinance

DATE: March 19, 2018

PRESENTED BY: Sarah Lucas, Networks Northwest

BACKGROUND:

The Planning Commission approved the final draft of the Nuisance Ordinance changes at their January 12th meeting.

RECOMMENDATION:

Motion to approve Ordinance 790 of 2018 amending Title VI, Chapter 61 Nuisances.

ATTACHMENTS:

- ▣ Nuisance Ordinance Draft
- ▣ Ordinance 790 of 2018

CITY OF CHARLEVOIX ZONING ORDINANCE PROPOSED NUISANCE ORDINANCE AMENDMENTS 03/19/2018 PUBLIC HEARING

Proposed ordinance language as follows:

- Language to be removed is shown in strikethrough text (~~text~~)
- Language to be added is shown in red text (text)

TITLE VI - HEALTH REGULATIONS CHAPTER 61 NUISANCES (Ord. No. 767, 09/15/14)

ARTICLE I. IN GENERAL

6.1. Purpose.

It is hereby found and declared that the purposes of this Article are to eliminate public nuisances within all areas of the City of Charlevoix for the protection of the health, safety, morals and general welfare of its residents; to preserve existing values of other properties within or adjacent to such areas and all other areas of the City; and to preserve the taxable value of the property within such areas and all other areas of the City. The purposes include regulating the maintenance and safety of certain buildings and structures for the benefit of the public health, safety, and welfare; to establish administrative requirements and prescribe procedures for the maintenance or demolition of certain buildings and structures; to establish remedies, provide for enforcement, and fix penalties for the violation of this ordinance.

6.2. Definitions. As used in this Article.

"Boat" means every description of watercraft used or capable of being used as a means of transportation on water, including personal watercraft and nonmotorized boats such as canoes, rowboats, and sailboats. Boat, however, does not include an air mattress, paddleboard, paddleboat, boogie board, or similar device used by one (1) or two (2) persons for floating or paddling.

"Building materials" mean lumber, bricks, concrete or cinder blocks, plumbing or heating materials, electrical wiring or equipment, shingles, mortar, concrete or cement, nails, screws, windows and window frames, molding, insulation, tyvec or any other materials used in construction of any structure.

"Dismantled" means the state of having a part or parts removed or missing that are integral to the operation of or required by any law or regulation to be present on a motor vehicle, boat, or other item to which it is normally attached.

"Dock" means a pier, platform, or other structure which, if fully operational, is designed to be extended from the shore over water.

"Dangerous Building Enforcing Agency" means the City, through the Zoning Administrator and/or such other official(s) or agency as may be designated by the City Council to enforce this ordinance. Such persons are authorized to seek advice from a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization.

"Dangerous Building Hearing Officer" or "Hearing Officer" means a person appointed by and serving at the pleasure of the City Mayor. The Dangerous Building Hearing Officer shall be a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization. An employee of the Dangerous Building Enforcing Agency, or a person whose advice is sought by the Enforcing Agency, shall not be appointed as Hearing Officer.

"Dangerous Sign or Advertising Device" means a sign or advertising device that is in such a state of disrepair or has such a design and/or construction flaw that it poses an imminent threat of total or partial collapse such that following the procedures of Section 5.111 Unsafe Signs of the Zoning Ordinance would result in substantial likelihood of injury to persons or property.

"Garbage" means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that relate to the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables.

"Hoist" means a mechanical device attached permanently or temporarily to the bottomland of a lake or river and used to raise or lift a boat out of the water for the purpose of preventing or restricting the motion of the boat.

"Inoperable" means incapable of being used for the purpose or purposes for which an item is designed or normally used, either physically or by operation of law, due to dismantling, disrepair, or the lack of a currently valid Michigan license or registration. In addition, the following items shall be deemed inoperable: any motor vehicle, trailer, recreational vehicle, or snowmobile which lacks functioning tires or treads that permit motion or movement. In addition, a boat shall be deemed inoperable if there are one or more holes in its hull, it lacks any parts necessary for normal use, or the engine does not start when provided fuel.

"Junk" means items or objects that are old, discarded, or not currently being used for the purpose or purposes for which they are designed or normally used, including but not limited to used or salvaged metals and their compounds or combination; used or salvaged rope; rubber; rotting wood; scrap iron; tires and snowmobile treads; parts for motor vehicles, boats, all terrain vehicles, recreational vehicles, snowmobiles, and/or trailers; inoperable or dismantled refrigerators, stoves, dishwashers, dryers, washing machines, and furniture; and inoperable or dismantled lawn mowers, weed trimmers, snow blowers, snow plows, tractors, and any other machinery used for excavation, maintenance, or snow removal.

"Liquid industrial wastes" means any liquid brine, by-product, industrial wastewater, leachate, off-specification commercial product, sludge, grease-trap clean-out residue, used oil, or other liquid waste produced by, incident to or resulting from industrial or commercial activity except any liquid brine normally used in oil or gas extraction on a site permitted by the Michigan Supervisor of Wells.

"Marine equipment" means any item used or intended for use in conjunction with boats or water related activities, including but not limited to swimming rafts, docks, hoists, dock supports, buoys, outboard motors, oars, boat trailers, sails, rope, masts, anchors, and any other stationary or movable structure intended to support a boat.

"Motor vehicle" means any wheeled vehicle which is self-propelled or intended to be self-propelled regardless of whether the vehicle is designed for off-road use or use on public streets. A motor vehicle includes, but is not limited to cars, trucks, all terrain vehicles, mopeds, motorcycles, scooters, dune buggies and golf carts.

"Person" means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

"Recreational Vehicle" means any motor vehicle or trailer capable of being self-propelled or towed that is equipped with living space, sleeping quarters, and associated amenities, including but not limited to motor homes, fifth wheel trailers, pop-up campers, caravans, camper vans, travel trailers, and truck campers.

"Rubbish" means hazardous or non-hazardous, non-putrescible solid wastes, including but not limited to combustible waste such as paper, cardboard, brush, bags, rags, and litter of any kind and non-combustible waste such as metal containers, glass, bedding, crockery, and demolished items, objects, or materials of any kind.

"Sealed container" means a covered, closable container which is fly-proof and watertight such as garbage cans with properly fitting tops or plastic garbage bags which have been closed or twisted shut.

"Snowmobile" means any motor-driven vehicle designed for travel primarily on snow or ice of a type that utilizes sled-type runners or skis, an endless belt tread, or any combination of these or other similar means of contact with the surface upon which it is operated, but is not a vehicle that must be registered under the Michigan vehicle code, being Act No. 300 of the Public Acts of 1949.

"Totally closed structure" means a building capable of being sealed on all sides such as a house, garage or storage shed with a roof, floor and walls or closable doors around its perimeter.

"Trailer" means any wheeled vehicle designed and normally towed behind a motor vehicle which is required to have a currently valid Michigan registration to be lawfully operated on a public highway.

"Vermin" means a noxious or objectionable animal, including but not limited to a mouse, rat, chipmunk, squirrel, skunk, raccoon, or porcupine.

6.3. Nuisances. The following are hereby declared to be nuisances:

- (1) The keeping or storage of building materials outside on private property unless there is in force a valid building permit from the County Building Department for construction on that property and the building materials are for use in such construction.
- (2) The keeping or storage of ashes, junk, garbage or rubbish outside of a totally enclosed structure on private property except in a sealed container designed for the purpose of holding such ashes, junk, garbage, or rubbish.

- (3) The placing of ashes, junk, garbage or rubbish on private property without the owner's permission or on public property. This provision applies regardless of whether the ashes, junk, garbage or rubbish is in a sealed container.
- (4) The keeping or storage of ashes, junk, garbage or rubbish on private property, including inside a building, in such a manner that the items, regardless of the method of containment, have become a breeding ground, food source or habitation of insects or vermin.
- (5) Intentional depositing of liquid petroleum crude oil, liquid petroleum crude oil by-products and derivatives or liquid industrial wastes on the ground.
- (6) A "dangerous building" as defined in MCL 125.539, as amended, or otherwise defined herein, which includes any building or structure, residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:
 - a. A door, aisle, passageway, stairway or other means of exit does not conform to the applicable Fire or Building Code.
 - b. A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the Housing Law of Michigan, Public Act 167 of 1917, as amended, (MCL 125.401, *et seq.*), or the applicable Building Code for a new building or structure, purpose or location.
 - c. A part of the building or structure is likely to fall, become detached or dislodged, or collapse, and injure persons or damage property.
 - d. A portion of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the Housing Law of Michigan, Public Act 167 of 1917, as amended, (MCL 125.401, *et seq.*), or the applicable Building Code.
 - e. The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.
 - f. The building or structure, or a part of the building or structure, is manifestly unsafe for the purpose for which it is used, or otherwise determined by the Enforcement Agency to be unsafe due to any of the following defects or because it is in any of the following conditions:
 - i. A structure, because of dilapidation, decay, damage, faulty construction, or otherwise which is unsanitary or unfit for human use;
 - ii. A structure or portion of a structure with significant decay or dilapidation due to neglect or deterioration that renders it unfit for its intended use, including damage to the roof or ceilings, walls or windows, or entrances;
 - iii. The building or structure, or a part of the building or structure, has light, air, or sanitation facilities which are inadequate to protect the health, safety, or general welfare of those who live or may live within;
 - iv. The building or structure, or a part of the building or structure, is hazardous to the safety, health, or general welfare of the people of the city by reason of inadequate maintenance, dilapidation, or abandonment;
 - v. The building or structure, or a part of the building or structure, has been damaged by fire, wind, flood, or by any other cause to such an extent as to be dangerous to the life, safety, health, or general welfare of the people living in the city;
 - vi. The building or structure, or a part of the building or structure, has become damaged to such an extent that the cost of repair to place it in a safe, sound, and sanitary condition exceeds the state equalized value of the building or structure of the structure, at the time when repairs are to be made.
 - g. The building or structure is damaged by fire, wind or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.
 - h. A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that the health officer of the City or county determines is likely to cause sickness or disease, or is likely to injure the health, safety or general welfare of people living in the dwelling.
 - i. A building or structure is vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
 - j. A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease or rent with a real estate broker licensed under Article 25 of the Occupational Code, Public Act 299 of 1980, (MCL 339.2501, *et seq.*), or is not publicly offered for sale by the owner. This subdivision does not apply to either of the following:
 - i. A building or structure as to which the owner or agent does both of the following: (1) Notifies the City Police Department that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given by the owner or agent not more than 30 days after: the building or structure becomes unoccupied or the effective date of this Ordinance provision, whichever is latest in time; AND (2) Maintains the exterior of the building or structure and adjoining grounds in accordance with this ordinance and the Housing Law of Michigan, Public Act 167 of 1917, as amended, (MCL 125.401, *et seq.*), or the Building Code.
 - ii. A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies the Police Department that the dwelling will remain unoccupied for a period of 180 consecutive days

or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the Police Department not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subparagraph, "secondary dwelling" means a dwelling such as a vacation home, hunting cabin or summer home, that is occupied by the owner or a member of the owner's family during part of year.

(7) Dangerous Signs.

- (8) Except as required by law, the distributing, placing, posting, or affixing of posters, notices, or handbills on private property without consent of the owner or occupant or in a public right-of-way; ~~provided, however, notices which do not cause a visual obstruction to traffic or pedestrians may be placed on public utility poles.~~
- (9) The existence of any pond, pool of water, or vessel holding stagnant water which serves as a breeding ground for insects.
- (10) The emission of fumes or gas in such quantities as to cause discomfort to a person of normal sensory acuity at an adjoining property or public place.
- (11) Any vehicle used for an illegal purpose.
- (12) Any use of public streets or public sidewalks, or both, which causes a crowd to gather and obstructs the free, lawful movement of people and vehicles along said streets and sidewalks.
- (13) Spitting on any sidewalk or on the floor or seat of any public carrier, or on the floor, wall, seat or equipment of any public place.
- (14) Keeping or housing any animals or domestic fowl within the city other than dogs, cats, birds or animals commonly classified as pets. For the purposes of this subsection the term "dog" shall include the male and female of the dog family or genus canis.
- (15) The keeping of any inoperable or dismantled icebox, refrigerator or similar airtight container having a door or access with a magnetic seal, snap latch or other locking device, in a place accessible by children without first removing the magnetic seal, snap latch or locking device or doors, or securely locking same.
- (16) Except as provided in subsections (16)(a) - (b), the keeping or storage of inoperable or dismantled motor vehicles, boats, all terrain vehicles, recreational vehicles, snowmobiles, and/or trailers outside of a totally enclosed structure on private property.
 - (a) An inoperable or dismantled motor vehicle, boat, all terrain vehicle, recreational vehicle, snowmobile, and/or trailer may be kept outside of a totally enclosed structure on private property for no more than fifteen (15) days for the purpose of being repaired or awaiting repairs. This subsection shall apply to individuals making the repairs and to gas and service stations engaged in the business of making repairs.
 - (b) An inoperable or dismantled motor vehicle, boat, all terrain vehicle, recreational vehicle, snowmobile, and/or trailer may be kept outside of a totally enclosed structure on private property for no more than fifteen (15) days for the purpose of being marketed for sale.
 - (c) For purposes of section 6.3(16)(a) & (b), a motor vehicle, boat, all terrain vehicle, recreational vehicle, snowmobile, and/or trailer that is possessed by a business which sells or repairs any of those items shall not be considered inoperable or dismantled solely because the item is unlicensed.
- (17) The keeping or storage of inoperable or dismantled marine equipment outside of a totally enclosed structure on private property.
- (18) Except as provided in subsection (18)(a), the existence of tanks, pumps lifts, jacks, air compressors or similar equipment outside of a totally enclosed structure.
 - (a) Service stations, repair shops, gas stations, construction companies, or similar businesses shall be allowed to store or keep tanks, pumps lifts, jacks, air compressors or similar equipment outside of a totally enclosed structure provided that any such item is in operable condition and is actively used for its intended purpose as part of the business.

6.4. Inspection.

City representatives shall have the duty and the right to inspect property or buildings to determine violations of or compliance with this Article. City representatives may exercise this right of inspection by consent of the person having the possession of the property or building or by an administrative search warrant issued by a court of competent jurisdiction.

6.5. Prohibition.

No person shall commit, create, or maintain any nuisance. No person shall knowingly permit the existence of a nuisance on the property owned or possessed by such person. It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is a dangerous building as defined in Section 6.3(6).

6.6. Industrial Usage.

The storage or keeping of salvageable metal or wood shall not be prohibited on property on which is located a factory engaged in manufacturing, assembling or machining as long as the salvageable metal or wood is for resale or reuse by the occupant of the property.

6.7. Separate Court Action, Nuisance Per Se.

Nothing in this Ordinance shall prohibit the City or any interested party from seeking such other relief as may be permitted in law or in equity regarding the existence of a nuisance. A violation of this Article is deemed to be a nuisance per se.

6.8. Notice of Dangerous Building; Hearing; Order.

The provisions of this Section are intended to be consistent with the Housing Law of Michigan, MCL 125. 521 *et seq*, and shall be interpreted accordingly.

- (1) **Notice Requirement.** Notwithstanding any other provision of this ordinance, if a building or structure is found to be a dangerous building as defined in Section 6.3(6) of this Ordinance, the Dangerous Building Enforcing Agency may issue a notice that the building or structure is a dangerous building. The notice shall state the grounds for the Enforcing Agency's determination that the building or structure is a dangerous building.
- (2) **Parties Entitled to Notice.** The notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records of the City.
- (3) **Contents of Notice.** The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building and state that the person to whom the notice is directed shall have the opportunity at the hearing to show cause why the Hearing Officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.
- (4) **Service of Notice.** The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served upon a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least 10 days before the date of the hearing included in the notice.

6.9. Dangerous Building Hearing Officer; Duties; Hearing; Order.

- (1) **Filing Dangerous Building Notice with Hearing Officer.** The Dangerous Building Enforcing Agency shall file a copy of the notice of the dangerous condition of any building with the Hearing Officer.
- (2) **Hearing Testimony and Decision.** At the hearing, the Hearing Officer shall take testimony of the Dangerous Building Enforcing Agency, the owner of the property, and any interested party. Not more than five days after completion of the hearing, the Hearing Officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained, and where applicable shall fix a time for the owner, agent, or lessee to comply with the order. The Hearing Officer shall make factual findings supporting its conclusions.
- (3) **Noncompliance with Hearing Officer Order/Request to Enforce Order.** If the owner, agent or lessee fails to appear or neglects or refuses to comply with the Hearing Officer order, the Hearing Officer shall file a report of the findings and a copy of the order with the City Council not more than five days after noncompliance by the owner and request that necessary action be taken to enforce the order. A copy of the findings and order of the Hearing Officer shall be served on the owner, agent or lessee in the manner prescribed in Section 6.8(D) of this Article.

6.10. Abatement of Dangerous Signs

- (1) To protect the health, safety and general welfare of the inhabitants of the City of Charlevoix, the hearing officer is hereby authorized and empowered to order city officials to enter onto private property to remove, repair or otherwise make safe any dangerous sign or advertising device without notice to the owner of the sign or advertising device or the owner of the property on which the sign or advertising device is located.
- (2) If the hearing officer exercises the authority granted in Section 6.10(1) above, he or she shall serve written notice of such action on the entity who benefits from the sign or advertising device and on the owner of the property on which the sign or advertising device is located as soon as possible after the action is taken. Service of the notice required by this subsection shall be by personal service or by first class mail. Service shall be deemed completed when the notice is mailed.

- (3) The costs incurred by the city in removing, repairing or otherwise making safe a dangerous sign or advertising device under this section, including reasonable attorney fees, may be collected in a lawsuit against the owner of the dangerous sign or advertising device or the owner of the property on which the dangerous sign or advertising device is located.

6.11. Enforcement Hearing before the City Council.

The City Council shall fix a date not less than 30 days after it receives the request for action and shall give notice to the owner, agent or lessee in the manner prescribed in Section 6.8(D) of this Article of the time and place of the hearing. At the hearing, the owner, agent or lessee shall be given the opportunity to show cause why the order should not be enforced. The City Council shall either approve, disapprove or modify the order. If the City Council approves or modifies the order, the City Council shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent or lessee shall comply with the order within 60 days after the date of the hearing under this section. In the case of an order of demolition, if the City Council determines that the building or structure has been substantially destroyed by fire, wind, flood or other natural disaster and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this section.

6.12. Implementation and Enforcement.

- (1) **Implementation of Order by City.** In the event of the failure or refusal of the owner or party in interest to comply with the decision of the City Council as applicable, the City Council may, in its discretion, contract for the demolition, making safe or maintaining the exterior of the building or structure or grounds adjoining the building or structure.
- (2) **Reimbursement of Costs.** The costs of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, incurred by the City to bring the property into conformance with this ordinance shall be reimbursed to the City by the owner or party in interest in whose name the property appears. The **cost** of demolition includes, but is not limited to, fees paid to hearing officers, **costs** of title searches or commitments used to determine the parties in interest, recording fees for notices and liens filed with the county register of deeds, demolition and dumping charges, court reporter attendance fees, and **costs** of the collection of the charges authorized under MCL 125.541.
- (3) **Notice of Costs.** The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the City assessor of the amount of the costs of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, by first class mail at the address shown on the City records.
- (4) **Lien for Unpaid Costs.** If the owner or party in interest fails to pay the costs within 30 days after mailing by the assessor of the notice of the amount of the cost, in the case of a dwelling, the City shall have a lien for the costs incurred by the City to bring the property into conformance with this ordinance. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Public Act 206 of 1893, as amended, (MCL 211.1, *et seq.*).
- (5) **Court Judgment for Unpaid Costs.** In addition to other remedies under this ordinance, the City may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. A judgment in an action brought pursuant to this Article may be enforced against assets of the owner other than the building or structure. The City shall have a **lien** on the property for the amount of a judgment obtained under this subsection. The **lien** provided for in this subsection shall not take effect until notice of the **lien** is filed or recorded as provided by law. The **lien** does not have priority over prior filed or recorded **liens** and encumbrances.

ARTICLE II. NOISE CONTROL

6.20. Excessive noise declared nuisance.

All loud or unusual noises or sounds and annoying vibrations which offend the peace and quiet of persons of ordinary sensibilities are hereby declared to be public nuisances.

6.21. Specific offenses.

Each of the following acts is declared unlawful and prohibited, but this enumeration shall not be deemed to be exclusive, namely:

- (1) **Animal and Bird Noises.** The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person.
- (2) **Construction Noises.** The erection (including excavating therefor), demolition, alteration or repair of any building, and the excavation of streets and highways, on Sundays, and other days, except between the hours of 7 o'clock A. M. and 6 o'clock P.M., unless a permit be first obtained from the City Manager.

- (3) *Sound Amplifiers.* Use of any loud speaker, amplifier or other instrument or device, whether stationary or mounted on a vehicle for any purpose except one which is non-commercial in character and when so used shall be subject to the following restrictions:
- (a) The only sounds permitted are music or human speech.
 - (b) Operations are permitted for four (4) hours each day, except on Sundays and legal holidays when no operations shall be authorized. The permitted four (4) hours of operation shall be as designated by the Chief of Police.
 - (c) Sound amplifying equipment mounted on vehicles shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when said truck is stopped or impeded by traffic.
 - (d) Sound shall not be issued within one hundred (100) yards of hospitals, schools or churches.
 - (e) The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred (100) feet from the sound amplifying equipment and so that the volume is not unreasonably loud, raucous, jarring, disturbing, or a nuisance to persons within the area of audibility.
- (4) *Engine Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which effectively prevents loud or explosive noises therefrom.
- (5) *Handling Merchandise.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- (6) *Blowers.* The discharge into the open air of noise from a compressor, blower or power fan unless the noise from such compressor, blower or fan is muffled sufficiently to deaden such noise.
- (7) *Hawking.* The hawking of goods, merchandise, or newspapers in a loud and boisterous manner.
- (8) *Horns and Signal Devices.* The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or to give warning of intent to get under motion, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
- (9) *Radio and Musical Instruments.* The playing of any radio, television set, phonograph, or any musical instrument in such a manner or with such volume, particularly during the hours between 11 o'clock P.M. and 7 o'clock A.M., or the making of any such noise at any time so as to annoy or disturb the quiet, comfort, or repose of persons in any school, place of worship, or office, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.
- (10) *Shouting and Whistling.* Yelling, shouting, hooting, whistling, or singing or the making of any other loud noise on the public streets between the hours of 11 o'clock P.M. and 7 o'clock A.M., or the making of any such noise at any time so as to annoy or disturb the quiet, comfort, or repose of persons in any school, place of worship, or office, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.
- (11) *Whistle or Siren.* The blowing of any whistle or siren, except to give notice of the time to begin or stop work or as a warning of fire or danger.

6.22. Exceptions.

None of the terms or prohibitions of section 6.21 shall apply to or be enforced against:

- (1) *Emergency Vehicles.* Any police or fire vehicle or any ambulance, while engaged upon emergency business.
- (2) *Highway Maintenance and Construction.* Excavations or repairs of bridges, streets, or highways by or on behalf of the City or the State of Michigan, during the night, when the public safety, welfare, and convenience renders it impossible to perform such work during the day.

6.25—6.29 Repealed. (Ord. No. 658, 03-06-00).

ARTICLE III. VIOLATIONS

6.30. Violations.

A violation of Section 6.21(9) or Section 6.21(10) shall be a misdemeanor. A violation of any other provision of this Chapter, including failing or refusing to comply with an order approved or modified by the City under Article I, shall be a municipal civil infraction subject to a civil fine of not more than \$500.00 plus costs, which may include all direct or indirect expenses to which the City has spent in connection with the violation. Each day a violation of this Chapter continues to exist constitutes a separate violation.

(Ord. No. 658, §45, 03-06-00)

**CITY OF CHARLEVOIX
ORDINANCE NO. 790 of 2018**

AN ORDINANCE TO AMEND TITLE VI, CHAPTER 61, ARTICLE I, SECTIONS 6.2, 6.3, 6.10, 6.11, AND 6.12 OF THE CHARLEVOIX CITY CODE

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Title VI, Chapter 61, Article I, Section 6.2 is amended to include the following definition:

"Dangerous Sign or Advertising Device" means a sign or advertising device that is in such a state of disrepair or has such a design and/or construction flaw that it poses an imminent threat of total or partial collapse such that following the procedures of Section 5.111 Unsafe Signs of the Zoning Ordinance would result in substantial likelihood of injury to persons or property.

SECTION 2. Title VI, Chapter 61, Article I, Section 6.3 is amended to include subsection (7) and repeal and replace subsection (8):

- (7) Dangerous Signs.
- (8) Except as required by law, the distributing, placing, posting, or affixing of posters, notices, or handbills on private property without consent of the owner or occupant or in a public right-of-way; ~~provided, however, notices which do not cause a visual obstruction to traffic or pedestrians may be placed on public utility poles.~~

SECTION 3. Title VI, Chapter 61, Article I, Sections 6.10 and 6.11 of the City Code are hereby repealed in their entirety and replaced with the following, along with adding Section 6.12:

6.10. Abatement of Dangerous Signs

- (1) To protect the health, safety and general welfare of the inhabitants of the City of Charlevoix, the hearing officer is hereby authorized and empowered to order city officials to enter onto private property to remove, repair or otherwise make safe any dangerous sign or advertising device without notice to the owner of the sign or advertising device or the owner of the property on which the sign or advertising device is located.
- (2) If the hearing officer exercises the authority granted in *Section 6.10(1)* above, he or she shall serve written notice of such action on the entity who benefits from the sign or advertising device and on the owner of the property on which the sign or advertising device is located as soon as possible after the action is taken. Service of the notice required by this subsection shall be by personal service or by first class mail. Service shall be deemed completed when the notice is mailed.
- (3) The costs incurred by the city in removing, repairing or otherwise making safe a dangerous sign or advertising device under this section, including reasonable attorney fees, may be collected in a lawsuit against the owner of the dangerous sign or advertising device or the owner of the property on which the dangerous sign or advertising device is located.

6.11. Enforcement Hearing before the City Council.

The City Council shall fix a date not less than 30 days after it receives the request for action and shall give notice to the owner, agent or lessee in the manner prescribed in Section 6.8(D) of this Article of the time and place of the hearing. At the hearing, the owner, agent or lessee shall be given the opportunity to show cause why the order should not be enforced. The City Council shall either approve, disapprove or modify the order. If the City Council approves or modifies the order, the City Council shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent or lessee shall comply with the order within 60 days after the date of the hearing under this section. In the case of an order of demolition, if the City Council determines that the building or structure has been substantially destroyed by fire, wind, flood or other natural disaster and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this section.

6.12. Implementation and Enforcement.

- (1) **Implementation of Order by City.** In the event of the failure or refusal of the owner or party in interest to comply with the decision of the City Council as applicable, the City Council may, in its discretion, contract for the demolition, making safe or maintaining the exterior of the building or structure or grounds adjoining the building or structure.
- (2) **Reimbursement of Costs.** The costs of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, incurred by the City to bring the property into conformance with this ordinance shall be reimbursed to the City by the owner or party in interest in whose name the property appears. The **cost** of demolition includes, but is not limited to, fees paid to hearing officers, **costs** of title searches or commitments used

to determine the parties in interest, recording fees for notices and liens filed with the county register of deeds, demolition and dumping charges, court reporter attendance fees, and **costs** of the collection of the charges authorized under MCL 125.541.

- (3) **Notice of Costs.** The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the City assessor of the amount of the costs of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, by first class mail at the address shown on the City records.
- (4) **Lien for Unpaid Costs.** If the owner or party in interest fails to pay the costs within 30 days after mailing by the assessor of the notice of the amount of the cost, in the case of a dwelling, the City shall have a lien for the costs incurred by the City to bring the property into conformance with this ordinance. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Public Act 206 of 1893, as amended, (MCL 211.1, *et seq.*).
- (5) **Court Judgment for Unpaid Costs.** In addition to other remedies under this ordinance, the City may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. A judgment in an action brought pursuant to this Article may be enforced against assets of the owner other than the building or structure. The City shall have a **lien** on the property for the amount of a judgment obtained under this subsection. The **lien** provided for in this subsection shall not take effect until notice of the **lien** is filed or recorded as provided by law. The **lien** does not have priority over prior filed or recorded **liens** and encumbrances.

SECTION 4. Severability.

No other portion, paragraph or phase of the Code of the City of Charlevoix, Michigan shall be affected by this Ordinance except as to the above sections, and in the event any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or of the Code of the City of Charlevoix, Michigan.

SECTION 5. Effective Date.

This Ordinance shall become effective thirty (30) days after its enactment.

Ordinance No. 790 was adopted on the 19th day of March, 2018 A.D., by the Charlevoix City Council as follows:

Motion by:

Seconded by:

Yeas:

Nays:

Absent:

State of Michigan)
) §
City of Charlevoix)

Joyce M. Golding

Clerk

Luther Kurtz

Mayor

CHARLEVOIX CITY COUNCIL

Public Hearings and Actions Requiring Public Hearings

TITLE: Public Hearing 791 General Zoning Ordinance Changes

DATE: March 19, 2018

PRESENTED BY: Sarah Lucas, Networks Northwest

BACKGROUND:

The Planning Commission approved the final draft of general Zoning Ordinance changes at their January 12th meeting.

RECOMMENDATION:

Motion to approve Ordinance 791 of 2018 amending Title V, Chapter 51 Zoning.

ATTACHMENTS:

- ▣ Draft General Zoning Ordinance Changes
- ▣ Ordinance 791 of 2018

CITY OF CHARLEVOIX ZONING ORDINANCE

PROPOSED ZONING AMENDMENTS

03/19/2018 PUBLIC HEARING

Proposed ordinance language as follows:

- Language to be removed is shown in strikethrough text (~~text~~)
- Language to be added is shown in red text (**text**)

ARTICLE 1 PURPOSE AND TITLE

5.1 Title

An ordinance **enacted under Public Act 110 of 2006** to regulate and restrict the use of land and structures; to meet the needs for food, fiber, energy and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; to ensure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population, transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation and other public service and facility needs; and to promote public health, safety and welfare; and for those purposes to divide the city into districts; to prescribe penalties for the violation thereof; and to repeal conflicting ordinances.

ARTICLE 2 DEFINITIONS

5.6 Definitions A-B

~~Adjoining. Touching or bounding at a point or line; bordering; contiguous.~~ **All lands which touch, border, or are contiguous to a specific parcel of land including, but not limited to, those lands separated from the parcel by a road right-of-way, easements, public utility rights-of-way, or inland lakes and streams as defined by the Natural Resources and Environmental Protection Act 451 of 1994.**

Aggrieved Person. A person who has suffered a special damage from a zoning decision not in common to other property owners similarly situated.

Awning. A permanent shelter constructed on a supporting framework, projecting from and supported by the exterior wall of a building. *(note – not new definition, moved from Section 11)*

Building Elevation. All of that part of a building façade(s) which would be included in an elevation view rendering of the building drawn parallel to, and for the entire length of, a lot line. *(note – not new definition, moved from Section 11)*

5.7 Definitions C-D

Canopy (Building). A permanent rigid structure covered with fabric, metal, shingles or other material and supported by a building at one or more points. *(note – not new definition, moved from Section 11)*

Canopy (Freestanding). A permanent, rigid structure covered with fabric, metal or other material and supported by columns, posts or other forms of support not a part of a building. *(note – not new definition, moved from Section 11)*

Dredging. The process of cleaning out the bed of a harbor, river, or other water bodies or waterways by scooping out sand, mud, or other materials with a dredge.

- a) Upland Dredging. Removing material from above the ordinary high water mark in order to allow for water body access.
- b) Inland Dredging. Removing material from inland water bodies to maintain watercraft navigability or increase water depth.

5.11 Definitions L-M

Manufactured Home. ~~A factory built, single family structure that is manufactured under the National Manufactured Home Construction and Safety Standards Act. It is transportable in one (1) or more sections, built on a permanent chassis or foundation and designed and used as a dwelling. It is not constructed with a permanent hitch or other device allowing its transport, other than for its delivery to a permanent site and does not have wheels or axles permanently attached to its body or frame.~~ A structure, (formerly known as a Mobile Home) used as a single family dwelling, and built to the Manufactured Home Construction and Safety standards (HUD code) and which displays a red certification label on the exterior of each transportable section. Manufactured homes are built in the controlled environment of a manufacturing plant and are transportable in one or more sections on a permanent chassis.

Marquee. A permanent structure of rigid materials supported by and extending from, or above, the façade of a building. *(note – not new definition, moved from Section 11)*

Mobile Home. A ~~factory built~~ single family dwelling ~~manufactured prior to the Manufactured Home Construction and Safety Standards (HUD Code). See Manufactured Home.~~ designed for permanent year round living that is transportable in one (1) or more sections and built on a chassis, designed to be used as a dwelling with or without permanent foundation. The term “mobile home” shall not include motor homes, campers, recreational vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for temporary use and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power and potable water utilities.

5.13 Definitions P-Q

Pennant. A small, often triangular, flag used in multiples. (*note – not new definition, moved from Section 11*)

Planned Unit Development (PUD): A use which allows a development to be designed and built as a unit and which is designed to encourage quality land development and site design outside the typical zoning standards through flexible design and use standards and a greater latitude in the mix or uses resulting in more efficient and effective use of the land and infrastructure.

5.14 Definitions R-S

Sign. A device, structure, fixture or placard, which may or may not use graphics, symbols and/or written copy designed specifically to advertise or identify an establishment, product, service, or activity.

Sign, Airborne Devices. A sign supported by aerodynamic forces or propelled through the air by force including, but not limited to, air filled balloons, signs animated by forced air and lighter than air signs.

Sign, Awning. A sign painted, printed, attached flat against or integrated within the surface of an awning.

Sign, Banner. A sign made of a non-rigid material; however, not including pennants or flags.

Sign, Billboard-Highway Advertising. An off-premises sign owned by a person, corporation or other legal entity that engages in the business of utilizing and/or selling the space on that sign. See *“Off-Premises Sign.”*

Sign, Business Center. An on-premises sign which identifies or gives directions to a business complex or group of contiguous stores which may contain the names of the individual stores, businesses, institutions, or other organizations located within the complex or group. See *“On-Premises Sign.”*

Sign, Canopy. A sign affixed, applied to or part of a canopy.

Sign, Electronic Sign Face. That portion of a sign face capable of changing its message or image electronically.

Sign, Flag. A sign made of non-rigid material having a distinctive size, color and design used as a symbol or emblem.

Sign, Flashing. Any illuminated sign on which the artificial light is not at all times stationary or constant in intensity and color.

Sign, Ground. A sign supported by one (1) or more uprights, poles, braces or some other structure, placed in the ground surface and not attached to any building.

Sign, Illuminated. A sign that includes artificial light by either emission, reflection or refraction.

Sign, Internally Lighted. A sign having an internal lighting source which allows light to be visible through the sign face.

Sign, Marquee. Any sign attached to or supported by a marquee.

Sign, Off-Premises. A sign which contains a message regarding a land use, service, or activity provided on property other than the premises where such sign is located.

Sign, On-Premises. A sign which contains a message regarding a land use, service, or activity provided on the property where such sign is located.

Sign, Portable. A freestanding sign, often with a changeable message, that is not permanently anchored or secured to either a building or the ground.

Sign, Projecting. A sign which is affixed to any building or structure other than a marquee or canopy and projects in such a way that the sign face is not parallel to the wall to which it is attached.

Sign, Roof. Any sign or part of a sign which is erected on, or as a part of, the roof of a building.

Sign Face. That portion of a sign excluding its base, foundation and erection supports.

Sign, Temporary. A sign, often with a non-changeable message, with or without a structural frame, intended for a limited period of display,

Sign, Wall. A sign which is attached directly to, or painted upon, a building wall, the exposed face of which is essentially in a plane parallel to the building wall or structure.

Sign, Window. A sign, picture, symbol or combination thereof that is placed on the interior of a window pane or glass with the intent to be visible from the outdoors.

Streamers. A long narrow wavy strip resembling or suggesting a banner floating in the wind.
(note – not new definition, moved from Section 11)

ARTICLE 4 RESIDENTIAL DISTRICTS

Section 5.26 Schedule of Uses

Table 5.26 Allowed Uses: Residential Zones

Table 5.26 Allowed Uses: Residential Zones						
P = Permitted Use by Right S = Special Land Use	R1	R2	R2A	R4	PC	Specific Requirements
Accessory						
Accessory uses, buildings and structures	P	P	P	P	P	Section 5.46(1)
Bed and breakfast establishment	S	S	-	-	-	Section 5.46(3)
Boathouses, <u>Upland Dredging</u>	S	-	-	-	S	Section 5.46(4)

ARTICLE 7 USE REQUIREMENTS

Section 5.46 Accessory Buildings and Uses

(4) *Boathouses and Upland Dredging*. Special land **use** approval for a **boathouse and upland dredging without a boathouse** in the R1 **Zone** shall be subject to the following requirements. **Boathouses and upland dredging**:

- a) shall not be permitted on Lake Michigan or Lake Charlevoix;
- b) **Boathouses** shall have a gabled roof with a minimum roof pitch of 8:12 for new construction. Repair of existing **structures** may utilize the existing roof pitch and roof design at the time of application. Multiple peaks and a variety of rooflines or other architectural features consistent with the character of the neighborhood are encouraged. Eaves extending out greater than twenty-four (24) inches shall be considered part of the building footprint;
- c) **Boathouses** are permitted over the water but may not extend greater than eighty (80) feet lake ward from the existing sea wall location¹, or **ordinary high water mark** if no sea wall is present;
- d) where inland dredging is required, **boathouses** may not extend greater than fifty (50) feet inland from the existing sea wall location or **ordinary high water mark** if no sea wall is present;
- e) shall be located at least ten (10) feet from **side lot lines**; no **rear yard setback** required;
- f) **Boathouses** shall not exceed a building footprint (length x width) of two thousand (2,000) square feet in area, exclusive of eaves;
- g) shall not contain sleeping quarters, kitchens or bathrooms;
- h) in the R1 **Zone**, shall not exceed a height of sixteen (16) feet with the base elevation starting at the **ordinary high water mark**. (See *Figure 5.46(4)-1*)
- i) Existing sea wall² locations shall be considered the **rear lot line** for the purposes of calculating **lot area** and **coverage** requirements.
- j) Sea walls may not be extended lake ward, nor shall any **filling** take place for the purposes of increasing lot size or relocating the **rear lot line**. (See *Figure 5.46(4)-2*)
- k) **Upland dredging that would result in permanent alteration of the shoreline requires a public hearing for a special use permit before the property owner applies for all applicable permits from relevant local, state, and federal governments and agencies.**
- l) **Boathouses** in the Belvedere Club and Chicago Club are excluded from the height requirements for **accessory structures** provided that they may be extended in the same building line elevation and size as the existing **boathouses**. (See *Figure 5.46(4)-3*)

ARTICLE 8 GENERAL PROVISIONS

Section 5.65 Fences and Walls

- (1) All **fences**, walls and other similar **structures** shall be located on private property and must not obstruct the sight distance of motorists from **driveways**, roads and intersections. **Fences** or walls in all districts, except Industrial, shall not exceed six (6) feet in height above **grade** when located in any portion of the **rear** or **side yard**. **Fences** located in the **front yard** are permitted provided they are open wrought iron, picket, split rail and similar decorative **fences**, have a maximum opacity of fifty (50) percent and do not exceed three (3) feet above **grade**.
- (2) Fence and wall materials may include treated wood, painted/stained wood, treated split rail, ornamental wrought iron, brick, stone, masonry block, molded vinyl, or chain link. Scrap lumber, plywood, woven wire, sheet metal, plastic or fiberglass sheets are specifically prohibited.
- (3) All **fences** shall be constructed with the finished side exposed to the neighboring properties. Support posts shall be placed on the inside. The **fence** shall be properly maintained and its appearance shall be harmonious with the surrounding properties and neighborhood. Fence posts and decorative caps shall not extend greater than six (6) inches above the maximum allowed height. (See *Figure 5.65(3)*)
- (4) **Fences** or walls in Industrial Districts shall not exceed nine (9) feet in height above **grade** in the **side** and **rear yards**. All other relevant provisions of this section shall apply.
- (5) It shall be unlawful to erect or maintain a **fence**, wall or other similar **structure** equipped with or having barbed wire, spikes, razor wire or similar devices, or any electrical charge or current sufficient to cause shock. In Industrial Districts, however, a security **fence** may be installed with one (1) foot of barbed wire; provided, the barbed wire is at least eight (8) feet above the **adjacent grade**.
- (6) **Fences** in the **front yard** shall have a minimum **setback** of twelve (12) inches from the property line.
- (7) **Fences** shall not be allowed to be located directly over property lines, unless two (2) or more **adjoining** property owners submit a joint application to the **zoning administrator** for approval.
- (8) Posts, cement, wood and any other **fence** materials shall not encroach onto **adjoining** properties, unless such encroachments are authorized under a joint application.
- (9) An artificial **berm** with a **fence** placed on top of it is considered part of the **fence**, with the combination being subject to the height limits for **fences** established in subsection (1) above.
- (10) The required **fence** height shall be maintained through the entire length on sloping properties. Grading and/or **filling** of materials to elevate the **grade** for a higher **fence** is prohibited.

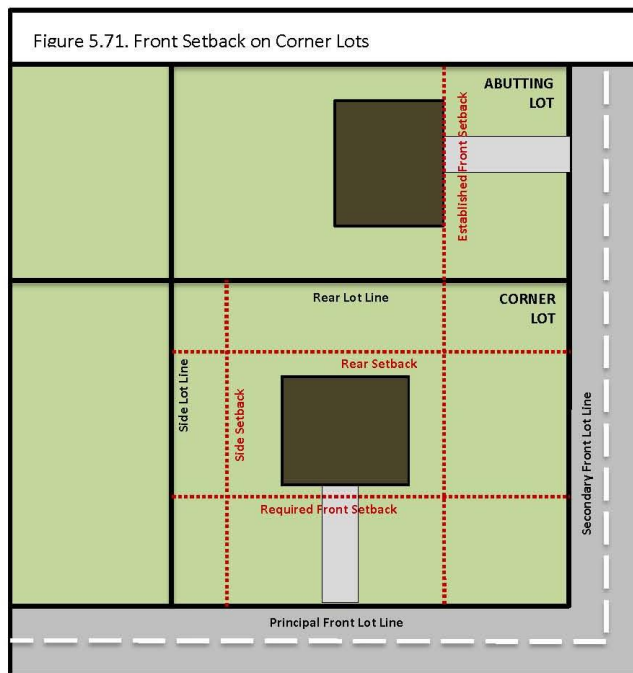
- (11) Walls constructed of stone, brick or similar materials shall be permitted in the **front yard** provided they do not exceed three (3) feet in height. The height limits in the **side** and **rear yards** shall not exceed six (6) feet. Walls shall be set back a minimum of two (2) feet from all property lines and must be constructed and maintained in the future as to not create safety concerns for **adjoining** property owners or the general public. The **planning commission** may approve walls not to exceed six (6) feet in height in the **front yard** for developments in the R4 **zone**. This section shall not apply to **retaining walls**, as defined by this ordinance or **screening walls** under Section 5.81.

(12) **Retaining Walls** in residential districts are subject to the following requirements:

- (a) Retaining walls in the front yard(s), or yard(s) facing the public right-of-way, may be no taller than three (3) feet in height, and must be set back from the front property line, or property lines fronting the public right-of-way, a minimum of two (2) feet.
- (b) In cases where the height or slope of the grade in the front yard(s), or yard(s) facing the public right-of-way, needing to be retained is greater than three (3) feet, multiple tiers may be used. The horizontal distance between tiers must be a minimum of five (5) feet.
- (c) Retaining walls in side or rear yards that do not face a public right-of-way may be greater than three (3) feet tall, but are required to be designed and sealed by a licensed engineer to ensure the safety of adjoining property.
- (d) Retaining walls must be constructed of stone, brick, treated lumber or similar materials. Plain cement block and untreated wood are not acceptable materials.
- (e) The fill behind retaining walls must consist of dirt, drain stone, or similar materials.
- (f) Retaining walls must be maintained in such a condition as to not present a threat to adjacent properties, or people or objects in the public right-of-way.

Section 5.71 Setback Requirements

- (1) *Front Setback on Corner Lots.* A **corner lot** shall have two **front lot lines**: a principal **front lot line** and a secondary **front lot line**. The principal **front lot line** shall be the location of the traditional front entrance of the **structure**. Where the **lot lines** are of equal length, and/or the principal **front lot line** is not evident, then the **zoning administrator** shall determine the principal **front lot line**. *(See Figure 5.71)*
- (a) The required **front setback** shall apply to the principal **front yard**.
 - (b) The required **setback** for the secondary **front yard** shall be the lesser of the required **front setback** or the established **setback** for the **principal building** on the **abutting lot** that faces the same **street** as the secondary **front lot line**.
 - (c) The remaining **setbacks** shall be a **rear** and a **side setback**. The **rear setback** shall be measured from the **rear lot line**, which in the case of a **corner lot**, shall be the **lot line** opposite the principal **front lot line**.



ARTICLE 9 GENERAL SITE DEVELOPMENT REQUIREMENTS

Section 5.81 Landscaping

(3) *Buffer Areas.*

- (a) A **buffer** area may be required where any **use** in a business or industrial district is **adjacent** to residentially zoned land and where multiple family residential land **uses** are **adjacent** to land in the R1, R2, R2A and R4 districts.
- (b) A **buffer** area is not required if the qualifying **adjacent zoning districts** are separated by a public right-of-way.
- (c) A **buffer** area shall be parallel to and follow the property line tangent to the qualifying **zoning district**.
- (d) A **buffer** area shall be required even when the **adjacent** property is undeveloped.
- (e) Except for access drives or **private streets** determined by the **planning commission** to be necessary to provide safe access to a property, a **building, structure** or **parking lot** shall not encroach within a required **buffer** area.
- (f) When **adjacent** to a PUD containing a residential land **use**, a **use** in a non-residential or multiple family **residential district** shall provide a **buffer** area along the property line **adjacent** to the residential **use**, in accordance with the requirements of *Table 5.81(3)(g)*. The **planning commission**, however, may

waive or modify the required **buffer** if the **setbacks** and perimeter landscaping provided within the PUD meet the intent of *Section 5.81(1)*.

- (g) **Buffer** areas are required as shown in *Table 5.81(3)(g)*. **Buffer types 1, 2, and 3** are described in *Table 5.81(3)(h)*.

Table 5.81(3)(g): Buffer Area Requirements by District			
Subject Zoning District	Adjacent district		
	R1 (buffer type)	R2 (buffer type)	Residential areas in Charlevoix Township
R4	3	3	NA
GC	1	1	1
CBD	2	2	NA
CH	1	1	NA
MC	1	1	NA
I	1	1	1

- (h) *Table 5.81(3)(h)* shows landscaping requirements by **buffer type**:

Table 5.81(3)(h): Buffer Area Landscaping Requirements			
Buffer Type	Minimum Width	Minimum Requirements	Intensity
1	10 feet	Two (2) canopy trees , <i>plus</i> one (1) evergreen tree or one (1) ornamental tree , <i>plus</i> twelve (12) shrubs , for each fifty (50) linear feet of buffer area	Most Intense ↓ Least Intense
2	10 feet	One (1) canopy tree , <i>plus</i> one (1) evergreen tree or one (1) ornamental tree , <i>plus</i> eight (8) shrubs , for each fifty (50) linear feet of buffer area	
3	10 feet	One (1) canopy tree or one (1) evergreen tree <i>plus</i> one (1) ornamental tree or twelve (12) shrubs , for each fifty (50) linear feet of buffer area	

(i) Buffer Area Alternatives

1. **Plants** may either be arranged formally, or be informally clustered for a more random, natural effect.
2. **Berms** may be constructed in a **buffer** area to supplement landscaping and add interest. Minimum landscaping requirements shall be reduced by fifty (50) percent where a **berm** at least three (3) feet tall is constructed for at least eighty-five (85) percent of the length of the **buffer area**.
3. A **screen wall** or **fence**, located within a **buffer** area, may be used in lieu of some landscaping.
 - a. A **screen wall** or **fence** shall be six (6) feet tall and constructed of architectural block, brick, wood, vinyl or textured concrete.
 - b. A **screen wall** or **fence** shall be located at least two (2) feet from a property line.

- c. To maximize the effectiveness of **screening**, openings shall not exceed twenty (20) percent of the surface of a wall or **fence**.
- d. When a **screen wall** or **fence** has both a finished and unfinished side, the finished side shall face either outward from the development site or to the side most visible to the general public, as determined by the **planning commission**.
- e. Landscaping requirements may be reduced by seventy-five (75) percent when a **screen wall** is constructed in a **buffer** area.

ARTICLE 12 SITE PLAN REVIEW

Section 5.116 Applicability

- (1) *Level “B” Review.* The **planning commission** shall act upon all **site plans**, other than those provided for level “A” review, in connection with the creation of a **use** or the erection of a **building** or **structure** in any of the following circumstances:
 - (d) Any “permitted” **use** within any **zoning district** occupying a **building** of two thousand (2000) square feet or more.
 - (e) Any special **use** in any district.
 - (f) Any Planned Unit Development.
 - (g) Any site plan on a waterfront parcel. A waterfront parcel is a parcel of land, or a portion thereof, abutting a water body.
 - (h) As otherwise required by this ordinance.

**CITY OF CHARLEVOIX
ORDINANCE NO. 791 of 2018**

AN ORDINANCE TO AMEND TITLE V, CHAPTER 51, ARTICLES 1, 2, 4, 7, 8, 9, AND 12 OF THE CHARLEVOIX CITY CODE

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Title V, Chapter 51, Article 1, Section 5.1 of the City Code is hereby repealed in its entirety and replaced with the following:

5.1 Title

An ordinance enacted under Public Act 110 of 2006 to regulate and restrict the use of land and structures; to meet the needs for food, fiber, energy and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; to ensure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population, transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation and other public service and facility needs; and to promote public health, safety and welfare; and for those purposes to divide the city into districts; to prescribe penalties for the violation thereof; and to repeal conflicting ordinances.

SECTION 2. Title V, Chapter 51, Article 2, Section 5.6 of the City Code is hereby amended with the following changes or additions:

5.6 Definitions A-B

Adjoining. ~~Touching or bounding at a point or line; bordering; contiguous.~~ All lands which touch, border, or are contiguous to a specific parcel of land including, but not limited to, those lands separated from the parcel by a road right-of-way, easements, public utility rights-of-way, or inland lakes and streams as defined by the Natural Resources and Environmental Protection Act 451 of 1994.

Aggrieved Person. A person who has suffered a special damage from a zoning decision not in common to other property owners similarly situated.

Awning. A permanent shelter constructed on a supporting framework, projecting from and supported by the exterior wall of a building.

Building Elevation. All of that part of a building façade(s) which would be included in an elevation view rendering of the building drawn parallel to, and for the entire length of, a lot line.

SECTION 3. Title V, Chapter 51, Article 2, Section 5.7 of the City Code is hereby amended with the following additions:

5.7 Definitions C-D

Canopy (Building). A permanent rigid structure covered with fabric, metal, shingles or other material and supported by a building at one or more points.

Canopy (Freestanding). A permanent, rigid structure covered with fabric, metal or other material and supported by columns, posts or other forms of support not a part of a building.

Dredging. The process of cleaning out the bed of a harbor, river, or other water bodies or waterways by scooping out sand, mud, or other materials with a dredge.

- a) Upland Dredging. Removing material from above the ordinary high water mark in order to allow for water body access.
- b) Inland Dredging. Removing material from inland water bodies to maintain watercraft navigability or increase water depth.

SECTION 4. Title V, Chapter 51, Article 2, Section 5.11 of the City Code is hereby amended with the following changes or additions:

5.11 Definitions L-M

Manufactured Home. ~~A factory built, single family structure that is manufactured under the National Manufactured Home Construction and Safety Standards Act. It is transportable in one (1) or more sections, built on a permanent chassis or foundation and designed and used as a dwelling. It is not constructed with a permanent hitch or other device allowing its transport, other than for its delivery to a permanent site and does not have wheels or axles permanently attached to its body or frame.~~ A structure, (formerly known as a Mobile Home) used as a single family dwelling, and built to the Manufactured Home Construction and Safety standards (HUD code) and which displays a red certification label on the exterior of each transportable section. Manufactured homes are built in the controlled environment of a manufacturing plant and are transportable in one or more sections on a permanent chassis.

Marquee. A permanent structure of rigid materials supported by and extending from, or above, the façade of a building.

Mobile Home. A factory built single family dwelling manufactured prior to the Manufactured Home Construction and Safety Standards (HUD Code). See Manufactured Home. ~~designed for permanent year round living that is transportable in one (1) or more sections and built on a chassis, designed to be used as a dwelling with or without permanent foundation. The term "mobile home" shall not include motor homes, campers, recreational vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for temporary use and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power and potable water utilities.~~

SECTION 5. Title V, Chapter 51, Article 2, Section 5.13 of the City Code is hereby amended with the following additions:

5.13 Definitions P-Q

Pennant. A small, often triangular, flag used in multiples.

Planned Unit Development (PUD): A use which allows a development to be designed and built as a unit and which is designed to encourage quality land development and site design outside the typical zoning standards through flexible design and use standards and a greater latitude in the mix or uses resulting in more efficient and effective use of the land and infrastructure.

SECTION 6. Title V, Chapter 51, Article 2, Section 5.14 of the City Code is hereby amended with the following additions:

5.14 Definitions R-S

Sign. A device, structure, fixture or placard, which may or may not use graphics, symbols and/or written copy designed specifically to advertise or identify an establishment, product, service, or activity.

Sign, Airborne Devices. A sign supported by aerodynamic forces or propelled through the air by force including, but not limited to, air filled balloons, signs animated by forced air and lighter than air signs.

Sign, Awning. A sign painted, printed, attached flat against or integrated within the surface of an awning.

Sign, Banner. A sign made of a non-rigid material; however, not including pennants or flags.

Sign, Billboard-Highway Advertising. An off-premises sign owned by a person, corporation or other legal entity that engages in the business of utilizing and/or selling the space on that sign. See *"Off-Premises Sign."*

Sign, Business Center. An on-premises sign which identifies or gives directions to a business complex or group of contiguous stores which may contain the names of the individual stores, businesses, institutions, or other organizations located within the complex or group. See *"On-Premises Sign."*

Sign, Canopy. A sign affixed, applied to or part of a canopy.

Sign, Electronic Sign Face. That portion of a sign face capable of changing its message or image electronically.

Sign, Flag. A sign made of non-rigid material having a distinctive size, color and design used as a symbol or emblem.

Sign, Flashing. Any illuminated sign on which the artificial light is not at all times stationary or constant in intensity and color.

Sign, Ground. A sign supported by one (1) or more uprights, poles, braces or some other structure, placed in the ground surface and not attached to any building.

Sign, Illuminated. A sign that includes artificial light by either emission, reflection or refraction.

Sign, Internally Lighted. A sign having an internal lighting source which allows light to be visible through the sign face.

Sign, Marquee. Any sign attached to or supported by a marquee.

Sign, Off-Premises. A sign which contains a message regarding a land use, service, or activity provided on property other than the premises where such sign is located.

Sign, On-Premises. A sign which contains a message regarding a land use, service, or activity provided on the property where such sign is located.

Sign, Portable. A freestanding sign, often with a changeable message, that is not permanently anchored or secured to either a building or the ground.

Sign, Projecting. A sign which is affixed to any building or structure other than a marquee or canopy and projects in such a way that the sign face is not parallel to the wall to which it is attached.

Sign, Roof. Any sign or part of a sign which is erected on, or as a part of, the roof of a building.

Sign Face. That portion of a sign excluding its base, foundation and erection supports.

Sign, Temporary. A sign, often with a non-changeable message, with or without a structural frame, intended for a limited period of display,

Sign, Wall. A sign which is attached directly to, or painted upon, a building wall, the exposed face of which is essentially in a plane parallel to the building wall or structure.

Sign, Window. A sign, picture, symbol or combination thereof that is placed on the interior of a window pane or glass with the intent to be visible from the outdoors.

Streamers. A long narrow wavy strip resembling or suggesting a banner floating in the wind.

SECTION 7. Title V, Chapter 51, Article 4, Section 5.26, Table 5.26 of the City Code is hereby amended to include Upland Dredging with the Boathouses Accessory category:

Section 5.26 Schedule of Uses

Table 5.26 Allowed Uses: Residential Zones

Table 5.26 Allowed Uses: Residential Zones						
P = Permitted Use by Right S = Special Land Use	R1	R2	R2A	R4	PC	Specific Requirements
Accessory						
Accessory uses, buildings and structures	P	P	P	P	P	Section 5.46(1)
Bed and breakfast establishment	S	S	-	-	-	Section 5.46(3)
Boathouses, Upland Dredging	S	-	-	-	S	Section 5.46(4)

SECTION 8. Title V, Chapter 51, Article 7, Section 5.46, Subsection (4) of the City Code is hereby repealed in its entirety and replaced with the following:

Section 5.46 Accessory Buildings and Uses

(4) *Boathouses and Upland Dredging.* Special land **use** approval for a **boathouse** and upland dredging without a boathouse in the R1 **Zone** shall be subject to the following requirements.

Boathouses and upland dredging:

- a) shall not be permitted on Lake Michigan or Lake Charlevoix;
- b) Boathouses shall have a gabled roof with a minimum roof pitch of 8:12 for new construction. Repair of existing **structures** may utilize the existing roof pitch and roof design at the time of application. Multiple peaks and a variety of rooflines or other architectural features consistent with the character of the neighborhood are encouraged. Eaves extending out greater than twenty-four (24) inches shall be considered part of the building footprint;

- c) Boathouses are permitted over the water but may not extend greater than eighty (80) feet lake ward from the existing sea wall location¹, or **ordinary high water mark** if no sea wall is present;
- d) where inland dredging is required, **boathouses** may not extend greater than fifty (50) feet inland from the existing sea wall location or **ordinary high water mark** if no sea wall is present;
- e) shall be located at least ten (10) feet from **side lot lines**; no **rear yard setback** required;
- f) Boathouses shall not exceed a building footprint (length x width) of two thousand (2,000) square feet in area, exclusive of eaves;
- g) shall not contain sleeping quarters, kitchens or bathrooms;
- h) in the R1 **Zone**, shall not exceed a height of sixteen (16) feet with the base elevation starting at the **ordinary high water mark**. (See *Figure 5.46(4)-1*)
- i) Existing sea wall² locations shall be considered the **rear lot line** for the purposes of calculating **lot area** and **coverage** requirements.
- j) Sea walls may not be extended lake ward, nor shall any **filling** take place for the purposes of increasing lot size or relocating the **rear lot line**. (See *Figure 5.46(4)-2*)
- k) Upland dredging that would result in permanent alteration of the shoreline requires a public hearing for a special use permit before the property owner applies for all applicable permits from relevant local, state, and federal governments and agencies.
- l) **Boathouses** in the Belvedere Club and Chicago Club are excluded from the height requirements for **accessory structures** provided that they may be extended in the same building line elevation and size as the existing **boathouses**. (See *Figure 5.46(4)-3*)

SECTION 9. Title V, Chapter 51, Article 8, Section 5.65, Subsections (2) and (3) of the City Code are hereby repealed in their entirety and replaced with the following, along with adding Subsection (12):

Section 5.65 Fences and Walls

- (2) Fence and wall materials may include treated wood, painted/stained wood, treated split rail, ornamental wrought iron, brick, stone, masonry block, molded vinyl, or chain link. Scrap lumber, plywood, woven wire, sheet metal, plastic or fiberglass sheets are specifically prohibited.
- (3) All **fences** shall be constructed with the finished side exposed to the neighboring properties. Support posts shall be placed on the inside. The **fence** shall be properly maintained and its appearance shall be harmonious with the surrounding properties

and neighborhood. Fence posts and decorative caps shall not extend greater than six (6) inches above the maximum allowed height. (See *Figure 5.65(3)*)

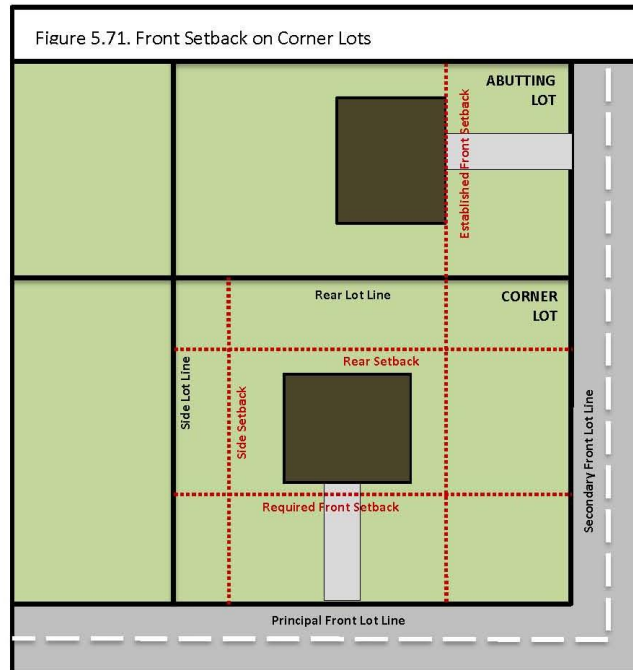
(12) **Retaining Walls** in residential districts are subject to the following requirements:

- (a) Retaining walls in the front yard(s), or yard(s) facing the public right-of-way, may be no taller than three (3) feet in height, and must be set back from the front property line, or property lines fronting the public right-of-way, a minimum of two (2) feet.
- (b) In cases where the height or slope of the grade in the front yard(s), or yard(s) facing the public right-of-way, needing to be retained is greater than three (3) feet, multiple tiers may be used. The horizontal distance between tiers must be a minimum of five (5) feet.
- (c) Retaining walls in side or rear yards that do not face a public right-of-way may be greater than three (3) feet tall, but are required to be designed and sealed by a licensed engineer to ensure the safety of adjoining property.
- (d) Retaining walls must be constructed of stone, brick, treated lumber or similar materials. Plain cement block and untreated wood are not acceptable materials.
- (e) The fill behind retaining walls must consist of dirt, drain stone, or similar materials.
- (f) Retaining walls must be maintained in such a condition as to not present a threat to adjacent properties, or people or objects in the public right-of-way.

SECTION 10. Title V, Chapter 51, Article 8, Section 5.71, Subsection (1) is hereby repealed in its entirety and replaced with the following:

Section 5.71 Setback Requirements

- (1) *Front Setback on Corner Lots.* A **corner lot** shall have two **front lot lines**: a principal **front lot line** and a secondary **front lot line**. The principal **front lot line** shall be the location of the traditional front entrance of the **structure**. Where the **lot lines** are of equal length, and/or the principal **front lot line** is not evident, then the **zoning administrator** shall determine the principal **front lot line**. (See *Figure 5.71*)
 - (a) The required **front setback** shall apply to the principal **front yard**.
 - (b) The required **setback** for the secondary **front yard** shall be the lesser of the required **front setback** or the established **setback** for the **principal building** on the **abutting lot** that faces the same **street** as the secondary **front lot line**.
 - (c) The remaining **setbacks** shall be a **rear** and a **side setback**. The **rear setback** shall be measured from the **rear lot line**, which in the case of a **corner lot**, shall be the **lot line** opposite the principal **front lot line**.



SECTION 11. Title V, Chapter 51, Article 9, Section 5.81, Subsection (3) is hereby repealed in its entirety and replaced with the following:

Section 5.81 Landscaping

(3) Buffer Areas.

- (a) A **buffer** area may be required where any **use** in a business or industrial district is **adjacent** to residentially zoned land and where multiple family residential land **uses** are **adjacent** to land in the R1, R2, R2A and R4 districts.
- (b) A **buffer** area is not required if the qualifying **adjacent zoning districts** are separated by a public right-of-way.
- (c) A **buffer** area shall be parallel to and follow the property line tangent to the qualifying **zoning district**.
- (d) A **buffer** area shall be required even when the **adjacent** property is undeveloped.
- (e) Except for access drives or **private streets** determined by the **planning commission** to be necessary to provide safe access to a property, a **building, structure or parking lot** shall not encroach within a required **buffer** area.
- (f) When **adjacent** to a PUD containing a residential land **use**, a **use** in a non-residential or multiple family **residential district** shall provide a **buffer** area along the property line **adjacent** to the residential **use**, in accordance with the requirements of *Table 5.81(3)(g)*. The **planning commission**, however, may waive or modify the required **buffer** if the **setbacks** and perimeter landscaping provided within the PUD meet the intent of *Section 5.81(1)*.

- (g) **Buffer** areas are required as shown in *Table 5.81(3)(g)*. Buffer types 1, 2, and 3 are described in *Table 5.81(3)(h)*.

Table 5.81(3)(g): Buffer Area Requirements by District			
Subject Zoning District	Adjacent district		
	R1 (buffer type)	R2 (buffer type)	Residential areas in Charlevoix Township
R4	3	3	NA
GC	1	1	1
CBD	2	2	NA
CH	1	1	NA
MC	1	1	NA
I	1	1	1

- (h) *Table 5.81(3)(h)* shows landscaping requirements by **buffer** type:

Table 5.81(3)(h): Buffer Area Landscaping Requirements			
Buffer Type	Minimum Width	Minimum Requirements	Intensity
1	10 feet	Two (2) canopy trees , <i>plus</i> one (1) evergreen tree or one (1) ornamental tree , <i>plus</i> twelve (12) shrubs , for each fifty (50) linear feet of buffer area	Most Intense ↓ Least Intense
2	10 feet	One (1) canopy tree , <i>plus</i> one (1) evergreen tree or one (1) ornamental tree , <i>plus</i> eight (8) shrubs , for each fifty (50) linear feet of buffer area	
3	10 feet	One (1) canopy tree or one (1) evergreen tree <i>plus</i> one (1) ornamental tree or twelve (12) shrubs , for each fifty (50) linear feet of buffer area	

(i) Buffer Area Alternatives

1. **Plants** may either be arranged formally, or be informally clustered for a more random, natural effect.
2. **Berms** may be constructed in a **buffer** area to supplement landscaping and add interest. Minimum landscaping requirements shall be reduced by fifty (50) percent where a **berm** at least three (3) feet tall is constructed for at least eighty-five (85) percent of the length of the **buffer area**.
3. A **screen wall** or **fence**, located within a **buffer** area, may be used in lieu of some landscaping.
 - a. A **screen wall** or **fence** shall be six (6) feet tall and constructed of architectural block, brick, wood, vinyl or textured concrete.
 - b. A **screen wall** or **fence** shall be located at least two (2) feet from a property line.
 - c. To maximize the effectiveness of **screening**, openings shall not exceed twenty (20) percent of the surface of a wall or **fence**.

- d. When a **screen wall** or **fence** has both a finished and unfinished side, the finished side shall face either outward from the development site or to the side most visible to the general public, as determined by the **planning commission**.
- e. Landscaping requirements may be reduced by seventy-five (75) percent when a **screen wall** is constructed in a **buffer** area.

SECTION 12. Title V, Chapter 51, Article 12, Section 5.116, Subsection (2) is hereby repealed in its entirety and replaced with the following:

Section 5.116 Applicability

- (2) *Level "B" Review.* The **planning commission** shall act upon all **site plans**, other than those provided for level "A" review, in connection with the creation of a **use** or the erection of a **building** or **structure** in any of the following circumstances:
 - (a) Any "permitted" **use** within any **zoning district** occupying a **building** of two thousand (2000) square feet or more.
 - (b) Any special **use** in any district.
 - (c) Any Planned Unit Development.
 - (d) Any site plan on a waterfront parcel. A waterfront parcel is a parcel of land, or a portion thereof, abutting a water body.
 - (e) As otherwise required by this ordinance.

SECTION 13. Severability.

No other portion, paragraph or phase of the Code of the City of Charlevoix, Michigan shall be affected by this Ordinance except as to the above sections, and in the event any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or of the Code of the City of Charlevoix, Michigan.

SECTION 14. Effective Date.

This Ordinance shall become effective thirty (30) days after its enactment.

Ordinance No. 791 was adopted on the 19th day of March, 2018 A.D., by the Charlevoix City Council as follows:

Motion by:
Seconded by:

Yeas:
Nays:
Absent:

State of Michigan)
) §
City of Charlevoix)

Joyce M. Golding

Clerk

Luther Kurtz

Mayor

CHARLEVOIX CITY COUNCIL

Public Hearings and Actions Requiring Public Hearings

TITLE: Public Hearing 792 Solid Waste Ordinance

DATE: March 19, 2018

PRESENTED BY: Sarah Lucas, Networks Northwest

BACKGROUND:

In 2017, the City Council created the Solid Waste Ad Hoc Committee to explore current issues with trash collection in the City, and to offer recommended approaches. The Committee met throughout 2017 to identify issues and concerns within the City's existing collection system, review case studies of collection systems in other Northwest Michigan communities, and develop recommended solutions/actions. The Committee recommended adoption of a new ordinance that will allow the City to implement a single-hauler residential waste collection system.

RECOMMENDATION:

Motion to approve Ordinance 792 of 2018 amending Title II, Chapter 21 Garbage and Rubbish.

ATTACHMENTS:

- ▣ Ordinance 792 of 2018

CITY OF CHARLEVOIX
ORDINANCE NO. 792 of 2018
AN ORDINANCE TO REPLACE TITLE II, CHAPTER 21 OF THE CHARLEVOIX CITY CODE

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Title II, Chapter 21 of the City Code is hereby repealed in its entirety and replaced with the following:

2.1 DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms in this Chapter shall be as follows:

Act 451 means Public Act. No 451 of 1994, MCL 324.101 *et seq.*

Bulk Item means large solid waste items, including furniture, appliances, washers, dryers, heaters, carpet, wood, metal, construction and demolition debris not in excess of 1 cubic yard, and other items with a weight and volume greater than allowed for container collection.

Commingled means recyclable materials that have been mixed at the site of generation and placed in the same container for curbside pickup.

Compost means the humuslike product of the composting process.

Compostables means yard clippings and residential compostables.

Construction and demolition debris means waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition of buildings and roads.

Container means a vermin proof, watertight, wooden, metallic, plastic or masonry receptacle for the storage and placement of solid waste.

Curbside means a location near the traveled portion of the roadway or alley used for the collection of solid waste, recyclable materials or yard clippings.

Designated Facility means a facility that the County of Charlevoix has identified as an approved location for the disposal of solid waste or the collection process and marketing of yard waste or recyclable material as defined by Ordinance No. 17.

Designated Waste Hauler means any person awarded a contract by the City of Charlevoix to engage in the business of collecting of solid waste, recyclable materials, yard clippings, and bulk items from Residential Generation Sites within the City of Charlevoix and hauling, transporting or disposing of such materials.

Garbage. The term "garbage" as used herein shall be deemed to include animal, fruit and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of foods in kitchens, stores, markets, hotels, restaurants and other places where food is stored, cooked or consumed.(existing language).

Generator of waste means any person who has acquired or stored any waste at a site of generation.

Hazardous waste means waste or a combination of waste and other discarded material, including solid, liquid, semisolid or contained gaseous material, that because of its quantity, quality, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness or serious incapacitating but reversible illness, or may pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of or otherwise managed. Hazardous waste does not include material that is solid or dissolved material in domestic sewage discharge, solid or dissolved material in an irrigation return flow discharge, industrial discharge that is a point source subject to permits under section 402 of title IV of the Federal Waste Pollution Control Act, chapter 758, 86 Stat. 880, 33 USC 1342, or is a source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, chapter 1073, 68 Stat. 919. Hazardous refuse shall include explosives, chemicals, radioactive material, highly inflammable material, and any other material that is dangerous and would result in serious hazards.

Litter means all rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris or other foreign substances of every kind and description.

Newspaper means all newsprint and materials which are part of a newspaper except the glossy inserts placed in the newspaper.

Premises means any area of land used for residential, commercial, industrial or governmental purposes, separately or in combination, to which a separate street address, postal address or box number, tax roll description, or other similar identification has been assigned or is in use by a person having control of such area.

Recyclable materials means source-separated materials, site-separated materials, highgrade paper, glass, metal, plastic, aluminum, newspaper, corrugated paper, yard clippings and other material deemed to be recyclable materials by the Designated Waste Hauler unless the Waste Hauler is capable of sorting Recyclable Materials at a Designated Facility.

Residential compostables means fruit and vegetable material which is produced incidental to the preparation of food for human consumption in residential structures.

Residential Generation Site means all single-family residential structures and multifamily residential structures with 4 or less residential units per parcel located within the City of Charlevoix.

Rubbish. The term "rubbish" as used herein shall be deemed to include all waste material such as:

- (a) That which can be economically processed or disposed of and shall include all ordinary wastes such as paper cartons, rags, boxes, wood, excelsior, leather, rubber, tree limbs not to exceed three (3) inches in diameter, and other miscellaneous materials. Said listing is by way of inclusion and not by exclusion. Material shall not exceed four (4) feet in maximum dimension.
- (b) Which due to its nature or size, cannot be economically processed or disposed of and shall include ashes, cinders, debris from building construction, metal, barrels, glass containers, broken dishes, crockery, and tree limbs greater than three (3) inches in diameter or four (4) feet in length.

Site of generation means any premises in or on which litter is generated by any person.

Site-separated material means glass, metal, wood, paper products, plastics, rubber, textiles, garbage, yard clippings or other material that may be recycled that is separated from solid waste for the purpose of conversion into raw material or new products. Site-separated material does not include the residue remaining after glass, metal, wood, paper products, plastics, rubber, textiles or other recyclable materials is separated from solid waste.

Site separation means the act of removing site-separated material from rubbish.

Solid waste means solid waste as the term is defined in Act 451.

Specialty Waste Hauler means a waste hauler that accepts specialty recyclable or other waste materials in a truck weighing 1 ton or less.

Waste solid waste, litter, garbage, recyclable materials, yard clippings, hazardous waste, and all other waste regulated by Act 451.

Waste hauler means any person engaged in the business of collecting waste within the City and hauling, transporting or disposing of such materials.

Yard clippings means leaves, grass clippings, vegetables or other garden debris, shrubbery, brush or tree trimmings less than four feet in length and two inches in diameter, that can be converted to compost humus. This term does not include stumps, agricultural wastes, animal waste, roots, sewage, sludge or garbage. Yard waste consists of grass clippings, yard trimmings, leaves and general yard and garden waste materials.

2.2 INTENT AND PURPOSE

Part 115 of Public Act No. 451 of 1994 (MCL 324.11501 et seq.) provides that a municipality shall assure that all solid waste is removed from sites of generation frequently enough to protect the public health, and delivered to solid waste disposal areas authorized to operate pursuant to such act. The city council has determined that the collection of solid waste from certain residential properties would most appropriately be undertaken at this time by the city, acting by and through contract with the private sector. Because solid waste collection directly affects the public health, safety and general welfare and due to the fact that multiple waste haulers result in excessive wear and tear on city roads, the city shall contract with a single waste hauler in order to facilitate city governance and control of the solid waste program for certain residential properties. In addition, the city council has determined that it would be in the public interest if the private waste hauler were selected on a bid basis, requiring demonstration of the waste hauler's capability and strength to provide a high level of service to sites of generation within the city, and to promote and protect the public health, safety and welfare.

The city council has further determined that its solid waste program should include recycling, consistent with the county solid waste plan.

For purposes of establishing and carrying out a program of solid waste collection, recycling and disposal, the city council has adopted this article to provide standards and specifications for services to be provided, provide for administration of the program and operational specifications, and provide penalties for failure to comply with the provisions of this article.

2.3 PROHIBITED STORAGE OR DISPOSAL.

It shall be unlawful for any person to store or dispose of Waste except as expressly authorized by this chapter.

2.4 PROHIBITED COLLECTION.

All Waste shall become the property of the Waste Hauler at the time the material is collected at Curbside or other designated collection location. It shall be unlawful for any person other than a Waste Hauler or the Generator of the Waste to collect or cause to be collected any Waste after it has been placed at Curbside or other designated collection location.

2.5 PROHIBITED PLACEMENT OF WASTE.

It shall be unlawful for any person to place or cause to be placed Waste for disposal upon the premises of another person or with the Waste of another person placed at Curbside without the permission of the owner of the Premises.

2.6 STORAGE REGULATIONS.

All Waste at any Site of Generation shall be stored in the following manner:

- (A) Solid Waste. All Solid waste shall be:
 - (1) Gathered, stored and placed in a closed container or containers sufficient in number and size to store such waste;
 - (2) Shielded from public view upon the site of generation; and
 - (3) Not commingled with yard clippings.
- (B) Recyclable materials. All recyclable materials not commingled with solid waste shall be:
 - (1) Site-separated from other waste and stored and placed in a recycling collection container suitable for such purpose; or if newspapers or other recyclable paper products, be stored and placed in recycling collection containers, paper bags or tied into bundles weighing not more than 50 pounds; and
 - (2) Rinsed and cleaned before storage if metal, glass or plastic.
- (C) Residential compostables. All residential compostables not commingled with solid waste shall be collected, stored and disposed of pursuant to the following conditions:
 - (1) Compost piles shall not be located within any drainage easement.
 - (2) Compost piles shall not be located in any side yard or closer than five feet to any property line.
 - (3) Compost piles shall not exceed four feet by eight feet or six feet in diameter and shall not exceed four feet in height.
 - (4) Double compost piles may be utilized, provided the total size does not exceed the above. Compost piles shall be maintained in a manner to prevent the escape of offensive odors to adjacent property, the harboring of rodents, or becoming a public nuisance.
- (D) Yard clippings. All yard clippings shall be site-separated from other waste and:
 - (1) Stored in a manner that will not harbor rodents or become a public nuisance; and
 - (2) Not commingled with solid waste or other recyclable materials.
- (E) Construction and demolition debris. Construction and demolition debris in excess of one cubic yard shall be collected, stored, and disposed of pursuant to the following conditions:
 - (1) Debris shall be gathered, stored, and placed in a closed container or containers sufficient in number and size to store such waste;
 - (2) Containers for use during construction, remodeling, yard or home cleanup shall be considered temporary and allowed the lesser of completion of the project or 30 days. Additional days must have approval of the City Manager.
- (F) Other. The storage of all other waste not expressly prescribed in this section shall be stored in accordance with Act 451 at any Site of Generation.

2.7 DISPOSAL REGULATIONS.

All Waste at any Site of Generation shall be disposed of in the following manner:

- (A) Solid waste. All solid waste shall be removed from the Site of Generation within 30 days or before it becomes a nuisance or danger to the public health, safety or welfare by a waste hauler or transport by a Generator of Waste's own solid waste to a Designated Facility.
- (B) Recyclable materials. All recyclable materials not commingled with solid waste shall be removed from the Site of Generation within 30 days or before such materials become a nuisance or danger to the public health, safety or welfare by a waste hauler or transport by a Generator of Waste's own recyclable materials to a Designated Facility.
- (C) Yard clippings. All yard clippings shall be site-separated from other waste and, unless composted at the site of generation in accordance with Section -- of this Chapter or applied to the Site of Generation for use in mulching, enhancing soil, erosion control or compost or a combination of these, removed from the Site of Generation before such clippings become a nuisance or danger to the public health, safety or welfare by:
 - (1) The Designated Waste Hauler;
 - (2) A person engaged in the business of providing landscaping services; or
 - (3) The City of Charlevoix Public Works Department.

(D) Preparation of yard clippings for disposal. If collected by the Designated Waste Hauler, twigs, brush and branches shall be prepared as specified by the Designated Waste Hauler. All other yard clippings shall be placed in bulk carts or containers or kraft paper bags clearly marked as yard clippings. Bulk disposal of yard clippings pursuant to rules and regulations of the City for pick-up by the City shall be allowed.

(E) Construction and demolition debris. It shall be the duty of the owner, contractor or other person responsible for construction work to maintain the site clean and free of excess debris during construction and to remove from the premises within 30 days after the completion of such construction work, unless otherwise authorized by the City Manager, all surplus construction material and all refuse building material. Such materials shall be removed to a Designated Facility by the Designated Waste Hauler, if the total amount of debris is under 1 cubic yard, or a Specialty Waste Hauler, as necessary, for construction and demolition debris in excess of 1 cubic yard.

(F) Other. The disposal of all other waste not expressly prescribed in this section shall be in accordance with Act 451.

(G) Curbside placement.

- (1) No Waste or containers for same shall be placed or left at curbside for more than 48 hours;
- (2) It shall be presumed that the owner, lessee or occupant in physical possession of a site of generation abutting a curbside where waste is located is the person who placed such waste at the curbside; and
- (3) The presumption of placement may be rebutted by competent evidence.

(H) Collection refusal by Waste Hauler. A Waste Hauler may refuse to collect waste from any site of generation if such waste is not prepared for disposal in accordance with the provisions of this Chapter.

2.8 SINGLE HAULER WASTE COLLECTION AND DISPOSAL PROGRAM.

(A) Residential Generation Sites. Commencing on the effective date of the contract between the City and the Designated Waste Hauler, collection and disposal of solid waste, recyclable materials, yard clippings, and bulk items from Residential Generation Sites shall be in accordance with the following provisions:

- (1) Except as set forth in this Section, no person shall dispose of any Waste generated from a Residential Generation Site within the City other than by means of the Designated Waste Hauler contracted by the City of Charlevoix for such purpose.
- (2) The Designated Waste Hauler shall deliver solid waste to a Designated Facility for disposal of such materials.
- (3) Except as set forth in this Section, no Waste Hauler except the Designated Waste Hauler shall engage in the business of collection, transporting, delivery or disposal of waste generated by Residential Generation Sites within the City of Charlevoix.
- (4) The Designated Waste hauler shall comply with Act 451, as applicable, and all applicable federal, state and county laws, local ordinances, and rules and regulations in the collection, transportation and delivery of Waste.
- (5) No person shall knowingly place Hazardous Waste at curbside or other designated locations for collection, and the Designated Waste Hauler shall not knowingly collect or deliver Hazardous Waste to a processing or disposal site.
- (6) Exceptions:
 - (a) Yard clippings in accordance with Section 2.6(D).
 - (b) Compost in accordance with Section 2.6(C).
 - (c) A Generator of Waste's own waste transported by the Generator of Waste to a Designated Facility or Waste not accepted by the Designated Waste Hauler and accepted by a Specialty Waste Hauler.
 - (d) Bulk yard clipping collection by the City pursuant to rules and regulations of the City.
 - (e) Solid Waste collected from units in a Condominium where the Association for the Condominium has entered into an agreement with a Waste Hauler for the collection of solid waste, recyclable materials, yard clippings, or bulk items for those units.
 - (f) Solid waste, recyclable materials, yard clippings, or bulk items collected pursuant to a prepaid agreement with a Waste Hauler entered into prior to the effective date of this Section until the expiration of the prepaid agreement or ___, whichever occurs first.
 - (g) Construction and demolition debris in excess of one (1) cubic yard.

(B) Rates, charges, and payments for solid waste and recycling collection and disposal services. The designated waste hauler shall charge fees for collection and disposal of waste and shall bill for such services in accordance with the following:

- (1) The designated waste hauler shall charge fees for collection and disposal of waste placed for collection as set forth in the contract between the designated waste hauler and the City.
- (2) The designated waste hauler shall send a quarterly invoice, in advance, to each Residential Generation Site for which services are provided in the City. Such invoice shall represent charges for services to be rendered in the following quarter.
- (3) Unless otherwise specified by the City, the invoice shall be delivered by regular mail at least three weeks prior to the beginning of the quarter for which charges are imposed.

2.9 VIOLATIONS AND PENALTIES.

(A) Violations. A violation of this Chapter is a municipal civil infraction and is further declared to be a nuisance per se and subject to abatement as provided in this code and by state law.

(B) City Costs. Upon failure of any person to store or dispose of garbage or refuse in the manner set forth in this chapter and when such improper storage or disposal creates or is likely to create nuisance by virtue of littering, odor, putrefaction, rodent or insect attraction, or broken

or hazardous substances, the enforcing officer may take immediate steps to abate such nuisance. City costs shall include, but not be limited to, actual attorney fees and expense of removal and abatement.

(C) Penalties. Penalties for violations shall be as follows:

(1) Residential Generation Site. All violations of this Chapter by owners or occupants of Residential Generation Sites pertaining to Waste collected or generated on the property of the Residential Generation Site shall be municipal civil infractions and upon conviction thereof, shall be punishable by a fine of \$25.00.

(2) Waste Haulers. Penalties for violations by Waste Haulers shall be municipal civil infractions as follows:

(a) All violations of this Chapter by Waste Haulers shall be subject to sanctions as provided in Section 12 of the Charlevoix City Code.

(D) Each day separate offense. Every day that a violation occurs or continues shall be deemed a separate offense.

2.10 SEVERABILITY.

In the event any provision of this section is held to be invalid or unenforceable by a court of competent jurisdiction or any other such legal authority, then the remaining subsections shall remain in such full force and effect as permitted by law.

SECTION 2. Severability.

No other portion, paragraph or phase of the Code of the City of Charlevoix, Michigan shall be affected by this Ordinance except as to the above sections, and in the event any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or of the Code of the City of Charlevoix, Michigan.

SECTION 3. Effective Date.

This Ordinance shall become effective thirty (30) days after its enactment.

Ordinance No. 792 was adopted on the 19th day of March, 2018 A.D., by the Charlevoix City Council as follows:

Motion by:

Seconded by:

Yeas:

Nays:

Absent:

State of Michigan)
) §
City of Charlevoix)

Joyce M. Golding

Clerk

Luther Kurtz

Mayor

CHARLEVOIX CITY COUNCIL

All Other Actions and Requests

TITLE: Charlevoix Certified Local Government Application & Resolution

DATE: March 19, 2018

PRESENTED BY: Lindsey Dotson, Main Street Director & Jessica Flores, MSHP, LEED GA Principal,
Preservation Forward

BACKGROUND:

Michigan Main Street/Michigan Economic Development Corporation has hired Jessica Flores of Preservation Forward as a consultant to assist the City of Charlevoix with applying to become a Certified Local Government through the National Park Service. This service was awarded to Charlevoix Main Street to complement ongoing efforts to prioritize historic preservation in downtown Charlevoix.

GOALS:

Enhance and showcase the outstanding quality of life in Charlevoix

RECOMMENDATION:

Approve Resolution 2018-03-01 as presented.

ATTACHMENTS:

- ▣ CLG Handbook for Certification
- ▣ CLG Checklist
- ▣ Resolution 2018-03-01

MICHIGAN'S CERTIFIED LOCAL GOVERNMENT PROGRAM

A Manual on How to Become Certified

**State Historic Preservation Office
Michigan State Housing Development Authority
Lansing, Michigan**

This publication has been financed in part with federal funds from the National Park Service, U.S. Department of the Interior. However, the contents and opinions do not necessarily reflect the views or policies of the Department of the Interior. This program receives federal financial assistance for identification and protection of historic properties. Under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, as amended, the U.S. Department of Interior prohibits discrimination on the basis of race, color, national origin, or disability or age in its federally assisted programs. If you believe you have been discriminated against in any program, activity, or facility as described above, or if you desire further information, please write to: Office for Equal Opportunity, National Park Service, 1849 C Street, N.W., Washington, DC 20240.

June 2012

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INTRODUCTION

In 1966, the National Historic Preservation Act was passed to establish a preservation program that operated as a decentralized partnership between the federal government and the states. A program that was based on identification, evaluation, registration, and protection of historic resources was established, and a state historic preservation office (SHPO) was established in each state to administer the program.

In 1980, the Act was amended to expand this program by creating a new federal-state-local partnership. Local units of government were given the opportunity to participate in the national preservation program by becoming a Certified Local Government (CLG). The role of CLGs in the partnership includes the responsibilities of administering local preservation ordinances, maintaining systems for survey of historic resources, and participating in the National Register program. The National Historic Preservation Act directs the SHPOs and the National Park Service (NPS), U.S. Secretary of the Interior, to certify local governments to participate in the partnership. Any unit of government may be eligible to become certified including small villages, large cities, townships, and counties. The regulations for this program are found in Chapter 9 of the National Register Programs Manual (NPS-49).

The purpose of this manual is to outline how the partnership will work in Michigan. The Michigan State Historic Preservation Office developed these procedures and will implement this program.

BENEFITS

Any local unit of government may apply to become a CLG providing it meets certain requirements that are outlined in this manual. The purposes of the CLG program are: to ensure the broadest possible participation of local governments in the Historic Preservation program while maintaining standards consistent with the National Historic Preservation Act; to enrich, develop, and help maintain local historic preservation programs; and to provide financial and technical assistance to further these purposes.

The primary benefit of participating in the CLG program is the strengthening of the Historic Preservation program at the local level. The CLG program ensures that historic preservation issues are understood and addressed at the local level and are integrated into the local planning and decision-making process at the earliest possible opportunity. Historic preservation should be considered equally with other planning issues in a CLG and not be viewed as superfluous to decision-making. CLG status can bring pride and official recognition to a community that is committed to historic preservation.

A CLG participates more directly than other local governments in the National Register nomination process. The SHPO requests the CLG's recommendation on any nomination from its jurisdiction. If the CLG recommends that a property is eligible for listing, the SHPO will proceed with the nomination. If the CLG recommends that a property not be listed, the SHPO may not nominate the property unless an appeal is filed in accordance with federal regulations 36 CFR 60.

A CLG may negotiate other responsibilities as part of its CLG certification agreement with the Michigan SHPO. If a local unit has appropriately qualified staff, a CLG may perform expanded duties in the federal tax credit program and/or the review and compliance program. Under the tax credit program, a CLG could make recommendations to the SHPO about whether or not a rehabilitation project should be certified. Under the review and compliance program, a CLG and the SHPO may prepare a Memorandum of Agreement allowing a historic district commission to review, for example, specific kinds of building rehabilitation projects. When such additional responsibilities are assumed, the performance of the CLG will be evaluated when the SHPO reviews it not less than every three years. When such expanded participation is part of the CLG agreement, the SHPO will not delegate all of its responsibilities, but rather the local unit will have an expanded role in assisting the SHPO.

The SHPO will also provide training for CLGs to enrich, develop and maintain their current historic preservation programs. Such training might include workshops for commission members, information about the Secretary of the Interior's Standards, or updates on the National Register program. Currently the SHPO is providing training to CLGs through the Michigan Historic Preservation Network.

At least 10% of Michigan's annual allocation from the Historic Preservation Fund must be distributed to CLGs. These grants are 60/40 matching grants and are available on a

reimbursement basis. The funds may be used to augment and strengthen the local unit's historic preservation program. All work accomplished under these grants must meet the Secretary of the Interior's Standards for Archaeology and Historic Preservation.

Eligible activities for Historic Preservation CLG grants include survey work, the preparation of National Register nominations, the design and production of educational materials relating to the unit's National Register-listed properties and the preparation of preservation plans for local historic resources. A CLG may also apply for funds for building-specific work for National Register-listed properties. Such grant applications might include facade studies, marketing studies, or plans and specifications. A CLG can apply for funding for design review work providing that the staff performing the work meet appropriate standards in 36 CFR 61 and the local standards meet the Secretary of the Interior's Standards. A CLG can also apply for funding for expanded responsibilities in the reviews needed for the tax credit program or in review and compliance work. If a CLG applies for funding for these responsibilities, appropriate staff must be in charge of this work. The SHPO may not delegate the final responsibilities for the tax credit and review and compliance programs, but these grants can allow a CLG to play a more active role in programs which affect its resources.

The SHPO welcomes other innovative grant applications that promote historic preservation and have measurable results. The staff at the SHPO encourages CLGs to discuss other types of projects with them.

Governments interested in applying for the CLG pool of Historic Preservation funds must first be certified. Grant application information is available annually from the State Historic Preservation Office. This information includes an expanded description of the types of projects which could be funded, an estimate of the amount of funding to become available, the deadline for the applications, and the criteria to be used in scoring grant applications.

When projects are selected for funding, an effort is made to distribute the CLG funding among the maximum number of CLGs and to distribute the funds between rural and urban CLGs. No one CLG should receive a disproportionate share of the funding. All projects funded must have tangible results and have specific products.

Information about CLG grants is available from:

Grants Section
State Historic Preservation Office (SHPO)
Box 30740
702 West Kalamazoo Street
Lansing, Michigan 48909-8240
517-373-1630
preservation@michigan.gov

THE FIVE BASIC REQUIREMENTS

The National Historic Preservation Act Amendments of 1980, which established the Certified Local Government program, contain five broad requirements that a local government must meet to be certifiable.

Basic Requirement #1

A local government shall "Enforce appropriate state or local legislation for the designation and protection of historic properties."

- A. In Michigan, Public Act 169 (1970 as amended) is the state enabling legislation that provides for the establishment of local historic districts and local historic district commissions in counties, cities, villages, and townships. To become certified, a unit of government must have passed an ordinance under Public Act 169.
- B. At a minimum, the following ten components that are deemed consistent with the purposes of the Act must be found in the local ordinance or, in some cases, in other official documents such as commission bylaws or procedures. Numbers 1 - 5 inclusive must be found in the ordinance.
 - 1. A statement of purpose that clearly focuses on the designation and protection of historic districts and individual historic properties in a defined area.
 - 2. A means for establishing an appropriate review body (hereinafter, a commission) that shall administer the local ordinance and designate and protect historic districts.
 - 3. A confirmation that the commission shall have the power of review and the ability to enforce binding decisions.
 - 4. An appeals process.
 - 5. A procedure for identifying, designating, and protecting additional historic districts.
 - 6. Definitions that explain terms associated with historic resources (i.e. district, building, open space), historic preservation (i.e. restoration, rehabilitation), and preservation administration (i.e. certificate of appropriateness, review body).
 - 7. Boundary descriptions that clearly define the location of each historic district.

8. A confirmation that the commission shall include members qualified to administer the designation and protection of historic resources.
 9. Procedures for the commission's review of alteration, demolition, relocation, and new construction within all designated historic districts.
 10. Adoption of the Secretary of the Interior's Standards for Rehabilitation and/or design guidelines that are consistent with the Standards.
- C. The local ordinance must avoid the following:
1. Provisions whereby the historic district status of a previously designated district shall be terminated on a specific date.
 2. Provisions whereby participation in local review is voluntary for property owners within designated historic districts.
 3. Provisions whereby historic districts can be designated only upon consent of more than 50% of all property owners.
 4. Provisions whereby certain properties are exempt from local review procedures as, for example, a hospital or charitable foundation. It is recognized, however, that the jurisdiction of the CLG is limited to that of the local government. Control of state and federally owned land, for example, are not part of that jurisdiction.
- D. A code of conduct, including conflict of interest guidelines, for the commission must be found in the ordinance, separate bylaws, or rules of procedure.

Basic Requirement #2

A local government shall "Establish by state or local law an adequate and qualified historic preservation review commission composed of professional and lay members."

- A. Commissions may differ in name and composition, but they must include members who are qualified to administer the ordinance. The commission members will be responsible for design review and must be able to make binding decisions over historic resources.
- B. The local government shall appoint the commission's membership so that it includes members qualified to administer the designation and protection of historic resources.
 1. All commission members shall have a demonstrated interest, competence, or knowledge in historic preservation.

2. The local government shall appoint **at least one** member who is an architect, an archaeologist, an historian or an architectural historian or combination thereof, who meet the professional qualifications specified by the National Park Service in 36 CFR 61. A copy of these qualifications is found in Appendix 1 of this manual.
 3. In addition to the above, the community shall appoint, to the extent available, professional members from related disciplines such as cultural geography and planning, and from professions such as real estate, law, and business.
 4. When a discipline described in B.2 above is not represented in commission membership, the commission shall be required to secure expertise in this area when considering National Register nominations and other actions that will affect properties which are normally evaluated by a professional in such a discipline.
 - a. When non-archaeological resources or issues are under review, the commission may consult with universities, private preservation organizations, or regional planning commissions for the help it needs or may contact the SHPO for assistance in selecting an appropriate and qualified consultant.
 - b. When archaeological resources or issues are under review, the commission shall be required to contact the SHPO for assistance in selecting an appropriate and qualified consultant.
 - c. The SHPO shall have the right to review and approve all such consultants proposed by the local government. Approvals shall be in writing.
 5. Local governments may be certified without meeting the requirements of B.2 above if they can document in their application that they have made a reasonable effort to fill these positions.
- C. The chief elected official of the local government shall act within at least **60** days to fill a vacancy on the commission.
- D. The SHPO will provide orientation materials and training for CLG commissions. The orientation and training shall be designed to provide a working knowledge of the roles and operations of federal, state, and local preservation programs.

Basic Requirement #3

A local government shall "Maintain a system for the survey and inventory of historic resources."

- A. The local government shall maintain an on-going survey and inventory system that systematically documents all buildings, structures, sites, objects, and significant open spaces that are historically or architecturally important within its jurisdiction. So that local survey efforts shall be coordinated with those of the state, the SHPO has formulated the following process. This process is only a recommendation, and upon its own judgment, for example, a CLG may choose to survey, designate, and protect a threatened building before it continues work on a designated but poorly documented resource.
1. First survey and inventory those districts that are in the process of being designated under the ordinance.
 2. Go back and survey and inventory those historic districts that were previously designated under the ordinance but may not have been adequately documented.
 3. Lastly, the local government shall systematically survey in rational increments all remaining properties within its jurisdiction that are historically or architecturally significant. The following guidance is provided for building this database of survey information.
 - a. Update and expand the district study committee report.
 - b. The new research for updating the study committee report should provide an understanding of the local government's resources by focusing on historic contexts, building types, levels of maintenance, etc.
 - c. Special attention should be placed on documenting threatened resources and resources experiencing local developmental pressures.
- B. So that local government survey data is in a format consistent with the statewide comprehensive planning process, the SHPO requires that the following guidelines be followed by the local government.
1. All survey and inventory activities shall be conducted using SHPO inventory cards and procedures.
 2. The local government shall forward to the SHPO one original copy of any survey data.
 3. The local government shall keep at least one original copy of any survey data and make it accessible to the public.
 4. The local government shall not undertake any archaeological survey activities without first contacting the State Archaeologist for review and assistance. SHPO procedures specify that information concerning archaeological resources are made

fully available to the public, with the exception of information which would reveal the exact location of archaeological sites. CLGs are required to follow this same procedure.

- C. The SHPO recognizes the possibility that in some Michigan communities all properties of architectural, historical, and archaeological significance within the local government's jurisdiction will have been intensively surveyed. In these cases, the local government has no required survey and inventory system responsibilities until such time as additional properties become old enough to document or additional properties are considered for local designation.

Basic Requirement #4

A local government shall "Provide for adequate public participation in the Historic Preservation program, including the process of recommending properties to the National Register."

- A. At a minimum, the local government's public participation activities shall include the following.
 - 1. All meetings of the commission shall adhere to the Open Meetings Law, Public Act 267 of 1976.
 - 2. Regular commission meetings shall occur at regular intervals at least four times a year; special commission meetings shall be called any time they become necessary.
 - 3. Public notice shall be provided prior to any regularly scheduled or special meeting of the commission.
 - 4. Procedures, guidelines, criteria, standards, etc. used by the commission shall be available to the public for review and comment pursuant to the Freedom of Information Act, Public Act 442 of 1976.
 - 5. Minutes of all decisions of the commission, including the reasons for making these decisions, shall be published and kept on file and available for public inspection for at least two years.
 - 6. All decisions by the commission shall be made in public forum and applicants shall be given written notification of decisions of the commission.
- B. A CLG has the responsibility to participate directly in the national Historic Preservation program by reviewing and making recommendations on nominations to the National Register of Historic Places of non-federal properties. A CLG may also comment on the

nomination of federal properties, but this is not required. Responsibility for nominating properties remains with the SHPO, but participation at the local level shall include the following steps.

1. Before a property within the jurisdiction of the CLG may be considered by the SHPO for nomination to the National Register, the SHPO shall conduct its official notification process 60 - 120 days before the State Historic Preservation Review Board meeting at which the property will be reviewed. Among others, the commission, the chief elected official of the local government, and the property owner shall be notified by the SHPO.
2. The commission, after reasonable opportunity for public comment, shall prepare a report as to whether or not the property, in its opinion, meets the selection criteria for the National Register. "Opportunity for public comment" shall include review of the nomination at a regularly scheduled or special commission meeting and mailing of a written notice to the property owner providing the date, time, and location of the commission meeting. The commission's report need not be elaborate but must define which of the four National Register selection criteria are met by the property and whether or not the property meets the Register's standards of integrity. It is necessary to have qualified reviewers according to the type of resource that is being nominated, as described under Basic Requirement #2 B.4.
3. Within 60 days of receipt of the nomination, the chief elected official shall mail to both the SHPO and the property owner the report of the commission and his/her own recommendation.
4. If both the commission and the chief elected official recommends that a property not be nominated, the SHPO shall take no further action.
5. An appeal may be filed to the SHPO within 30 days. If an appeal is filed, the SHPO may proceed with the National Register process. The commission report and the appeal shall be sent to the National Register with the nomination.
6. All official owner notification responsibilities will remain with the SHPO.
7. The state may expedite the CLG's participation in the nomination process, including shortening the 60-day commenting period, with the concurrence of the CLG as long as owner notification and National Register procedures have been met. The SHPO and the CLG may agree to expedite CLG participation with respect to a particular nomination or may agree to expedite concurrence on all nominations. This process may be initiated by the SHPO or the CLG and will be described in an amendment to the Certification Agreement.

- C. The local government shall prepare an annual report that summarizes its activities and the activities of the commission. This report shall include, but not be limited to, such items as the number of applications for certificates of appropriateness reviewed, new district designations approved, a summary of National Register activities, and reviews of any subgrant activities. This report shall be submitted to the SHPO on a date that will be specified in the Certification Agreement.

Basic Requirement #5

A local government that has been certified shall "Satisfactorily perform the responsibilities delegated to it under the Act."

- A. The four minimum responsibilities defined above are required of all CLGs nationwide. The only optional activities delegated to CLGs under the Michigan program are the opportunities to review tax credit projects and some federal projects at the local level as described on page 2 of this manual.
- B. It should be noted that final decisions and recommendations shall continue to be made at the state and/or federal levels regarding review and compliance and tax act activities.
- C. The CLG shall establish goals for its preservation program that will describe anticipated activities in terms of identification, evaluation, registration and protection.
- D. The SHPO shall work with the local government to be certain that performance of all activities shall be consistent and coordinated with the identification, evaluation, and protection priorities of the Michigan Comprehensive Historic Preservation Plan.
- E. Monitoring of all CLGs by SHPO staff will be ongoing and on-site evaluations will be conducted once every three years. The process for evaluating CLGs is described beginning on page 15 of this manual.

PROCESS FOR REQUESTING CERTIFICATION

Requesting Certification

The following materials constitute a request for certification by a local government and can be submitted to the SHPO at any time during the year. Applications should be mailed to:

CLG Coordinator
State Historic Preservation Office (SHPO)
PO Box 30740
702 West Kalamazoo Street
Lansing, Michigan 48909-8240

SHPO staff expect to work with a local government on its application and draft applications can be submitted before a complete application is available. The completed submission will explain how the local government meets the five basic requirements. The Application Checklist, which follows, is also found in Appendix 2 of this manual and should be completed and sent to the SHPO with all application materials. The SHPO shall notify the U.S. Secretary of the Interior, through the NPS in Washington, D.C., when a complete local government certification request has been received and approved in accordance with the state's approved certification process. The SHPO will send to the NPS a copy of the approved request and a Certification Agreement. To the local government, the SHPO shall forward the Certification Agreement that documents successful certification. The Certification Agreement is not effective until it is signed by the chief elected local official and the State Historic Preservation Officer, and approved by the NPS. Once executed, this Certification Agreement remains in effect unless the local government withdraws from the CLG program or is decertified.

The Application

- ☐ Provide a cover letter, signed by the chief elected official of the local government, requesting certification from the SHPO.
- ☐ To meet Basic Requirement #1:
 - A. Supply a copy of the local ordinance that establishes a commission and designates and protects historic districts. Attach any amendments, regulations, bylaws, or guidelines associated with the ordinance.

- B. Mark on the ordinance or equivalent, or key on a separate piece of paper the location of the following. Refer to Basic Requirement #1, B. on pages 4 and 5 of this manual for the description of each component.
1. statement of purpose
 2. definitions
 3. boundary descriptions
 4. means of establishing the commission
 5. confirmation of qualified commission members
 6. confirmation of the commission's powers
 7. procedures for review
 8. appeals process
 9. design review guidelines
 10. procedure for identifying, designating, and protecting historic resources.
- C. Include a list and location maps of all historic districts designated under the ordinance.
- D. Supply a code of conduct that governs commissioners' actions when administering the local ordinance.



To meet Basic Requirement #2:

- A. Note the official name of the commission.
- B. Provide a Resume Form, found in Appendix 3 of this manual, for each member of the commission. Note those members who the local government believes meet 36CFR61 professional qualifications. On the Resume Form emphasize education, training, practical experience, and volunteer efforts that indicate interest, competence, and knowledge of historic preservation.
- C. If any or all of the professions of architect, archaeologist, historian, or architectural historian are not represented on the commission, document how the local government has attempted to appoint such people. Documentation could include newspaper notices, correspondence, etc.
- D. Provide a copy of the rules of procedure, if available, that will be followed by the commission.



To meet Basic Requirement #3:

- A. Describe the on-going survey and inventory system that the local government uses to systematically document resources within its jurisdiction.
- B. Referring to the survey guidelines on pages 7 and 8, assess which goals have already been met and the goals that yet need to be addressed.



To meet Basic Requirement #4:

- A. Describe the general public participation program that is administered by the local government.
- B. Describe the specific public participation and property owner notification procedures for National Register nominations.



To meet Basic Requirement #5:

- A. Quantify activities proposed for completion within the next three year period. What are the preservation goals of the local government? If the local government plans to become involved in the writing of National Register nominations, for example, provide the prioritized list of nominations to be produced within the three year period.
- B. If the local government wishes to assume the additional responsibilities of either the federal tax credit program or the review and compliance program, supply the professional qualifications of commissioners or staff who would be doing the reviews. Describe the kinds of projects that the local government has reviewed in the past. For the review and compliance program, indicate which federal programs the local government participates in and would be included in a Memorandum of Agreement with the SHPO.

The Review Procedure and Its Timing

The SHPO shall respond to the chief elected official's request for certification within 30 days of receipt of an adequately prepared submission that includes all the materials requested above. If the application is complete and the local government meets all of the requirements, the SHPO will prepare the Certification Agreement. The Certification Agreement shall summarize the required responsibilities and any additional responsibilities assumed by the local government.

The SHPO shall notify the NPS when a local government certification request has been received and approved, and, forward to it a copy of the request and written Certification Agreement. When NPS has approved the certification request, the local government shall be certified.

Amendments

Substantive changes in Certification Agreements must be forwarded as a written amendment to the NPS for concurrence. Changes are approved if the NPS approves the amendment. The SHPO must notify the CLG, in writing, of the decision.

State Records

The SHPO shall maintain records of its evaluations, certifications, decertifications, and CLG annual reports so that all results are available for the U.S. Secretary of the Interior's performance evaluation of Michigan's historic preservation program. Such records shall be available for public review during regular working hours at the SHPO office in Lansing.

PROCESS FOR EVALUATING CLGs

Throughout the year, SHPO staff will informally monitor CLG activities through correspondence, telephone conversations, and the annual reports that are submitted from each local government.

No less than once every three years, however, the SHPO shall formally evaluate each CLG in the state. The evaluation will take place on-site in the community and will clarify for the SHPO how the local government has continued over time to meet the five basic requirements.

At the time of application, the CLG will receive a copy of an Evaluation Checklist, which will be used at the evaluation. It is important to read the Checklist carefully so that local officials understand what is minimally acceptable. The questions will test for quantity, quality, and timeliness in terms of the activities that the CLG must perform to continue to meet the five basic requirements.

The Procedure and Its Timing

The SHPO shall notify the CLG at least 30 days before a proposed date for the evaluation. The local government shall accept the date or request an alternate date no later than 15 days after the first. With its request for an evaluation date, the SHPO shall supply the local government with additional copies of the Evaluation Checklist and any special instructions.

Within 30 days after the on-site visit, the SHPO shall supply a written summary that evaluates the local government's program operation and administration. If the CLG receives a "yes" response to all of the questions on the Evaluation Checklist, the report will constitute written approval of the local government's CLG program. If the CLG receives a "no" response to any of the questions on the Evaluation Checklist, the written response shall include advice and assistance for the local government to improve its local preservation program. A timeframe for implementing corrections will also be included in the written report. Annual training for commissioners and local officials will follow up on any inadequacies noted during the evaluation. If the CLG receives a "no" response to two or more questions, the SHPO may exercise its prerogative to recommend decertification of the local government to the U.S. Secretary of the Interior. This procedure is explained in the next section of this manual.

PROCESS FOR DECERTIFYING A CLG

A CLG may request voluntary decertification by informing the SHPO in writing. After consultation with a representative of the local government, the SHPO will forward the written request for decertification to the National Park Service. Upon receipt of the National Park Service's written determination of the date of decertification, the SHPO will inform the CLG of the official date of decertification.

A major inadequacy shall be cited if during the period of review, the local government received a "no" finding to two or more questions from the Evaluation Checklist. The SHPO shall define the inadequacies in the written report that is prepared within 30 days of the visit. The report shall include advice and assistance on how to overcome the assessed inadequacies, the deadline for making corrections, and an appropriate warning that the local government may face decertification if adequate improvements in the local preservation program are not made.

After receipt of the SHPO's report, the local government shall have a maximum of 90 days to implement improvements. During that time period, the local government shall work with SHPO staff to make the suggested improvements. By the end of the 90-day period, the local government must document its improvements and/or request another on-site evaluation by SHPO staff.

If the SHPO determines that sufficient improvement has not occurred within the 90-day timeframe, it shall recommend decertification of the local government to the U.S. Secretary of the Interior through the NPS citing specific reasons for the recommendation and submitting appropriate written documentation. Before submitting this recommendation, the SHPO shall afford the local government the right to a meeting that shall be scheduled within 30 working days from the close of the 90-day review period. The meeting may reverse the SHPO recommendation for decertification. If not, the recommendation for decertification shall be submitted and written notice provided to the CLG. If the NPS does not object within 30 working days of receipt, the decertification shall be considered approved. The SHPO will provide written notice to the CLG of the date of decertification.

If a decertification is accepted by the NPS and the local government was a recipient of grant funds through the CLG program, the SHPO shall continue the normal close out of the grant unless the objectives of the grant can no longer be met, in which case the grant will be terminated in accordance with the contract for the grant funds.

A decertified local government may not apply for certification until a new fiscal year begins. When such a local government again applies for certification it shall submit its request following the original guidelines. A local government may not apply for a CLG subgrant when it is decertified. It may, however, apply for HPF grants that are not reserved for CLGs.

APPENDIX 1 - PROFESSIONAL QUALIFICATIONS - 36 CFR 61

The following requirements are those currently used by the National Park Service, and have been previously published in the Code of Federal Regulations, 36 CFR 61. The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities. In some cases, additional areas or levels of expertise may be needed, depending on the complexity of the task and the nature of the historic properties involved. In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time work but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

HISTORY

The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:

1. At least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historic organization or agency, museum, or other professional institution; or
2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

ARCHAEOLOGY

The minimum professional qualifications in archaeology are a graduate degree in archaeology, anthropology, or closely related field plus:

1. At least one year of full-time professional experience or equivalent specialized training in archaeological research, administration or management.
2. At least four months of supervised field and analytic experience in general North American archaeology; and
3. Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archaeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the prehistoric period. A professional in historic archaeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the historic period.

ARCHITECTURAL HISTORY

The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field with course work in American architectural history; or a bachelor's degree in architectural history, art history, historic preservation or closely related field plus one of the following:

1. At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

ARCHITECTURE

The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time experience in architecture; or a state license to practice architecture.

HISTORIC ARCHITECTURE

The minimum professional qualifications in historic architecture are a professional degree in architecture or a state license to practice architecture, plus one of the following:

1. At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or
2. At least one year of full-time professional experience on historic preservation projects.

Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.

APPENDIX 2 - APPLICATION CHECKLIST

☐

Provide a cover letter, signed by the chief elected official of the local government, requesting certification from the SHPO.

☐

To meet Basic Requirement #1:

- A. Supply a copy of the local ordinance that establishes a commission and designates and protects historic districts. Attach any amendments, regulations, bylaws, or guidelines associated with the ordinance.
- B. Mark on the ordinance or equivalent, or key on a separate piece of paper the location of the following. Refer to Basic Requirement #1, B. on pages 4 and 5 of this manual for the description of each component.
 - 1. statement of purpose
 - 2. definitions
 - 3. boundary descriptions
 - 4. means of establishing the commission
 - 5. confirmation of qualified commission members
 - 6. confirmation of the commission's powers
 - 7. procedures for review
 - 8. appeals process
 - 9. design review guidelines
 - 10. procedure for identifying, designating, and protecting historic resources.
- C. Include a list and location maps of all historic districts designated under the ordinance.
- D. Supply a code of conduct that governs commissioners' actions when administering the local ordinance.

☐

To meet Basic Requirement #2:

- A. Note the official name of the commission.
- B. Provide a Resume Form, found in Appendix 3 of this manual, for each member of the commission. Note those members who the local government believes meet 36 CFR 61 professional qualifications. On the Resume Form emphasize education,

training, practical experience, and volunteer efforts that indicate interest, competence, and knowledge of historic preservation.

- C. If any or all of the professions of architect, archaeologist, historian, or architectural historian are not represented on the commission, document how the local government has attempted to appoint such people. Documentation could include newspaper notices, correspondence, etc.
- D. Provide a copy of the rules of procedure, if available, that will be followed by the commission.



To meet Basic Requirement #3:

- A. Describe the on-going survey and inventory system that the local government uses to systematically document resources within its jurisdiction.
- B. Referring to the survey guidelines on pages 7-8, assess which goals have already been met and the goals that yet need to be addressed.



To meet Basic Requirement #4:

- A. Describe the general public participation program that is administered by the local government.
- B. Describe the specific public participation and property owner notification procedures for National Register nominations.



To meet Basic Requirement #5:

- A. Quantify activities proposed for completion within the next three year period. What are the preservation goals of the local government? If the local government plans to become involved in the writing of National Register nominations, for example, provide the prioritized list of nominations to be produced within the three year period.
- B. If the local government wishes to assume the additional responsibilities of either the federal tax credit program or the review and compliance program, supply the professional qualifications of commissioners or staff who would be doing the reviews. Describe the kinds of projects that the local government has reviewed in the past. For the review and compliance program, indicate which federal programs

the local government participates in and would be included in a Memorandum of Agreement with the SHPO.

APPENDIX 3 - RESUME FORM

Historic District Commissioners - Background Information and Qualifications

Name: _____

Address: _____

Telephone: _____ (Residence)

_____ (Business)

Occupation: _____

1. Area of Expertise

History ____ Architectural History ____ Architecture ____ Prehistoric Archaeology ____

Historic Archaeology ____

Other(Specify)_____

2. Education

3. Related Work Experience

4. Demonstrated Interest in Historic Preservation

Appendix 2 - Certified Local Government – City of Charlevoix, MI

APPLICATION CHECKLIST

- ☐ Provide a cover letter, signed by the chief elected official of the local government, requesting certification from the SHPO.
- ☐ To meet Basic Requirement #1:
 - A. Supply a copy of the local ordinance that establishes a commission and designates and protects historic districts. Attach any amendments, regulations, bylaws, or guidelines associated with the ordinance.
 - B. Mark on the ordinance or equivalent, or key on a separate piece of paper the location of the following. Refer to Basic Requirement #1, B. on pages 4 and 5 of this manual for the description of each component.
 - 1. statement of purpose
 - 2. definitions
 - 3. boundary descriptions
 - 4. means of establishing the commission
 - 5. confirmation of qualified commission members
 - 6. confirmation of the commission's powers
 - 7. procedures for review
 - 8. appeals process
 - 9. design review guidelines
 - 10. procedure for identifying, designating, and protecting historic resources.
 - C. Include a list and location maps of all historic districts designated under the ordinance.
 - D. Supply a code of conduct that governs commissioners' actions when administering the local ordinance.
- ☐ To meet Basic Requirement #2:
 - A. Note the official name of the commission.
 - B. Provide a Resume Form, found in Appendix 3 of this manual, for each member of the commission. Note those members who the local government believes meet 36 CFR 61 professional qualifications. On the Resume Form emphasize education, training,

practical experience, and volunteer efforts that indicate interest, competence, and knowledge of historic preservation.

- C. If any or all of the professions of architect, archaeologist, historian, or architectural historian are not represented on the commission, document how the local government has attempted to appoint such people. Documentation could include newspaper notices, correspondence, etc.
 - D. Provide a copy of the rules of procedure, if available, that will be followed by the commission.
- ☐ To meet Basic Requirement #3:
- A. Describe the on-going survey and inventory system that the local government uses to systematically document resources within its jurisdiction.
 - B. Referring to the survey guidelines on pages 7-8, assess which goals have already been met and the goals that yet need to be addressed.
- ☐ To meet Basic Requirement #4:
- A. Describe the general public participation program that is administered by the local government.
 - B. Describe the specific public participation and property owner notification procedures for National Register nominations.
- ☐ To meet Basic Requirement #5:
- A. Quantify activities proposed for completion within the next three year period. What are the preservation goals of the local government? If the local government plans to become involved in the writing of National Register nominations, for example, provide the prioritized list of nominations to be produced within the three-year period.
 - B. If the local government wishes to assume the additional responsibilities of either the federal tax credit program or the review and compliance program, supply the professional qualifications of commissioners or staff who would be doing the reviews. Describe the kinds of projects that the local government has reviewed in the past. For the review and compliance program, indicate which federal programs the local government participates in and would be included in a Memorandum of Agreement with the SHPO.

Appendix 3 - Certified Local Government - RESUME FORM

Historic District Commissioners - Background Information and Qualifications

Name:

Address:

Telephone:

Occupation:

1. Area of Expertise

History ____ Architectural History ____ Architecture ____ Prehistoric Archaeology ____ Historic
Archaeology ____ Historic Preservation ____

Other(Specify)_____

2. Education

3. Related Work Experience

4. Demonstrated Interest in Historic Preservation

**CITY OF CHARLEVOIX
RESOLUTION NO. 2018-03-01
SUPPORT FOR JESSICA FLORES CERTIFIED LOCAL GOVERNMENT CERTIFICATION PROJECT**

WHEREAS, the City of Charlevoix has long valued its historic character; and

WHEREAS, historic preservation is a proven method of economic development; and

WHEREAS, the MEDC has provided a highly qualified expert, Jessica Flores, to conduct the research and documentation necessary to pursue this certification from the State Historic Preservation Office and National Park Service and will pay for the cost of the project; and

WHEREAS, the Charlevoix Historical Society, Charlevoix Historical Commission, and the Charlevoix Main Street Program support this effort; and

WHEREAS, the final application will be subject to review and final approval prior to the application being submitted to the State Historic Preservation Office and National Park Service; and

WHEREAS, this project will formally recognize, certify, and establish a stronger partnership with the State Historic Preservation Office and the National Park Service; and

WHEREAS, this formal partnership will solidify and bolster the importance of our historic assets and cultural resources within our great community;

NOW THEREFORE BE IT RESOLVED that the City of Charlevoix approves of this project and encourages maximum public participation in the effort to protect, preserve, educate, and rehabilitate historic buildings, site, and resources in Charlevoix.

RESOLVED this 19th day of March, 2018 A.D.

Resolution was adopted by the following yeas and nays vote:

Yeas:

Nays:

Absent:

CHARLEVOIX CITY COUNCIL

All Other Actions and Requests

TITLE: Public Service Facility: LEED Building Design

DATE: March 19, 2018

PRESENTED BY: Amanda Porath, PE and Kevin Koets, AIA; OHM Advisors

BACKGROUND:

As you will recall, when Council approved the design agreement with OHM for construction of a new public service facility, Council considered a proposal to design the building to LEED standards. On Monday, representatives from OHM will provide Council more details on this aspect of the design and be prepared to answer more fully your questions on this topic.

Additionally, I applied last month for \$15,000 from the Charlevoix County Community Foundation to help defray some of the extra initial costs for LEED Certification. We will find out next month if this grant is successful. It is plausible that there are other grant sources we could tap.

RECOMMENDATION:

Council discussion and direction.

or

Motion to approve the design of the Public Services Facility to LEED standards and approve additional design services not to exceed \$150,000.

ATTACHMENTS:

- ▢ Background information on LEED Certification

A photograph of a modern office interior, overlaid with a dark blue tint. The scene shows a group of people sitting around a small, round, light-colored table. In the background, there are large windows and a potted plant on the left. The text is centered over the image.

LEED is the most widely used green building rating system in the world. It works for all buildings at all phases of development, from new construction to existing buildings, and all building sectors, from homes to hospitals to corporate headquarters.

U.S. GREEN BUILDING COUNCIL

What is the LEED System?

LEADERSHIP in ENERGY and ENVIRONMENTAL DESIGN

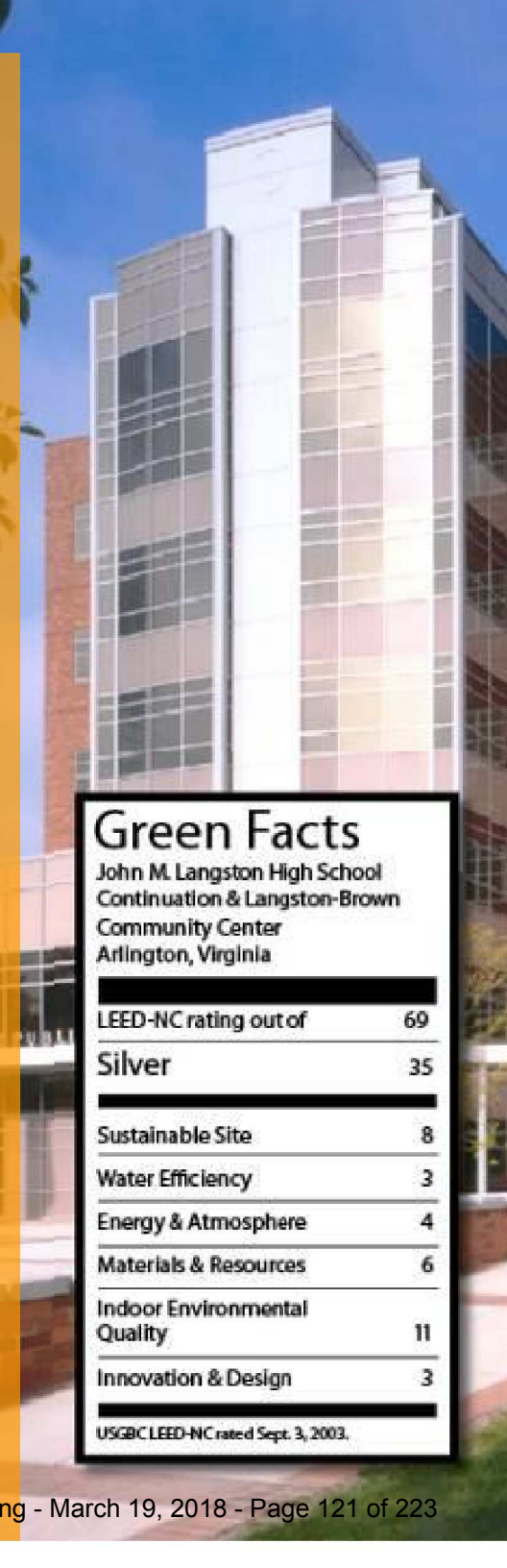
A leading-edge system for certifying DESIGN, CONSTRUCTION, & OPERATIONS of the greenest buildings in the world



Scores are tallied for different aspects of efficiency and design in appropriate categories.

For instance, LEED assesses in detail:

- 1. Site Planning
- 2. Water Management
- 3. Energy Management
- 4. Material Use
- 5. Indoor Environmental Air Quality
- 6. Innovation & Design Process

A tall, modern building with a glass and metal facade, identified as the John M. Langston High School Continuation & Langston-Brown Community Center in Arlington, Virginia.

Green Facts	
John M. Langston High School Continuation & Langston-Brown Community Center Arlington, Virginia	
LEED-NC rating out of	69
Silver	35
Sustainable Site	8
Water Efficiency	3
Energy & Atmosphere	4
Materials & Resources	6
Indoor Environmental Quality	11
Innovation & Design	3
USGBC LEED-NC rated Sept. 3, 2003.	



40-49 points



50-59 points



60-79 points



80+ points

U.S. GREEN BUILDING COUNCIL

LEED 2009

NEW
CONSTRUCTION
■ MAJOR RENOVATIONS

COMMERCIAL
INTERIORS

HEALTHCARE

HOMES

NEIGHBORHOOD
DEVELOPMENT

CORE AND
SHELL
DEVELOPMENT

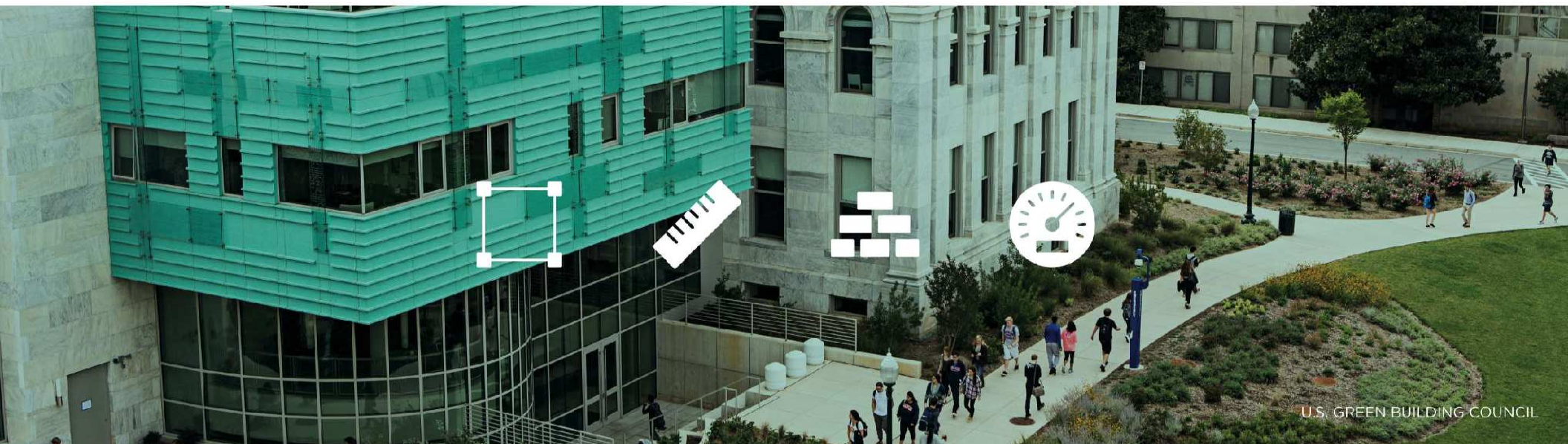
RETAIL

RETAIL
NEW CONSTRUCTION
■ MAJOR RENOVATIONS

SCHOOLS

EXISTING
BUILDINGS
OPERATIONS ■
MAINTENANCE

A concise framework for identifying & implementing
practical & measurable green building design,
construction, operations & maintenance
strategies and solutions.





Save money



Consume less energy



Use less water



Use fewer resources



**Better indoor environmental
quality**

U.S. GREEN BUILDING COUNCIL



LEED building owners report:

reduced operating costs

lower employee absenteeism & turnover

higher resale value

less time on the market

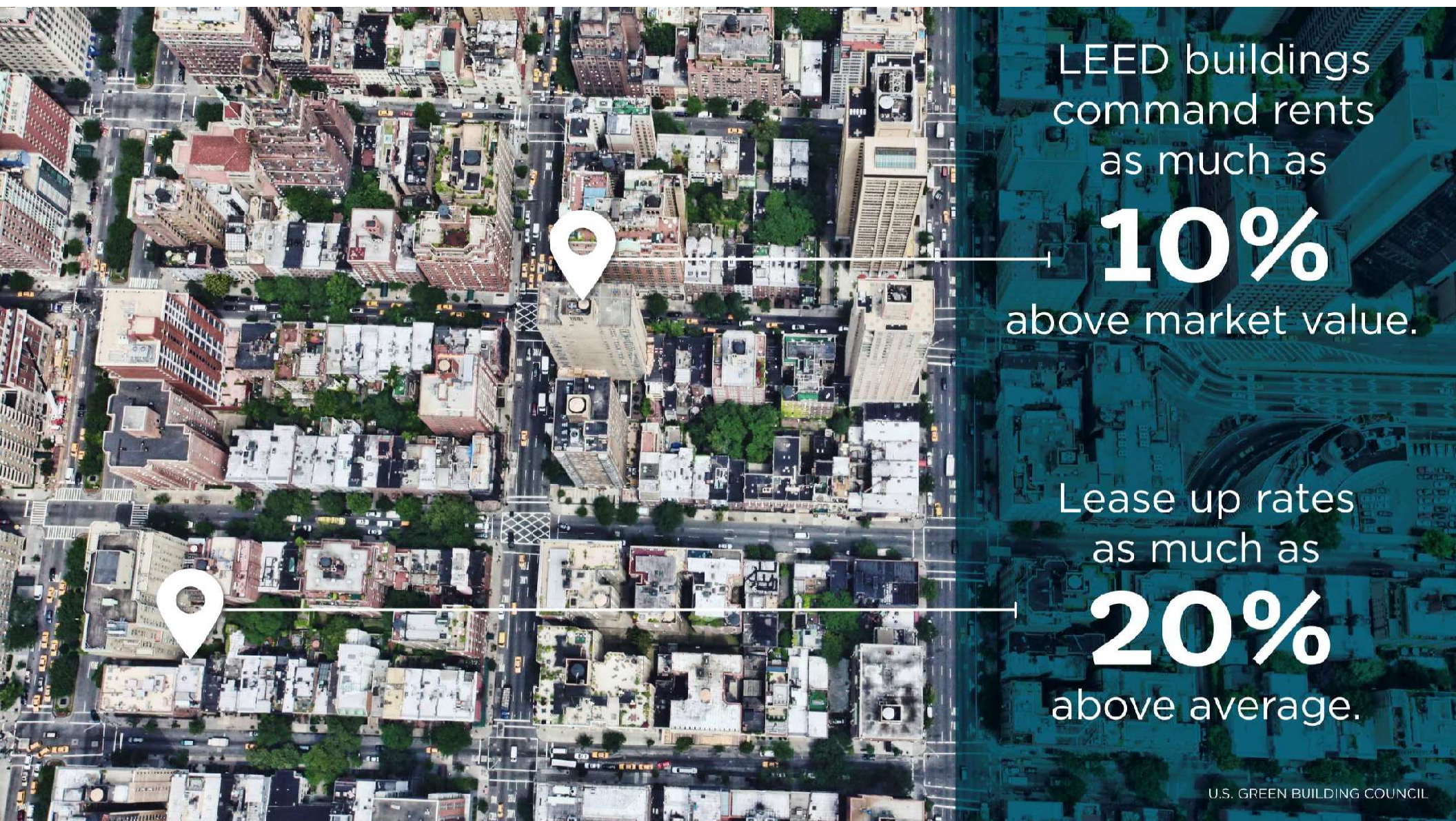
faster lease up rates

reduced risk

U.S. GREEN BUILDING COUNCIL

LEED helps building owners share their **corporate social responsibility story** while enjoying the **positive public relations benefits** associated with sustainability and reducing their impact on the environment.

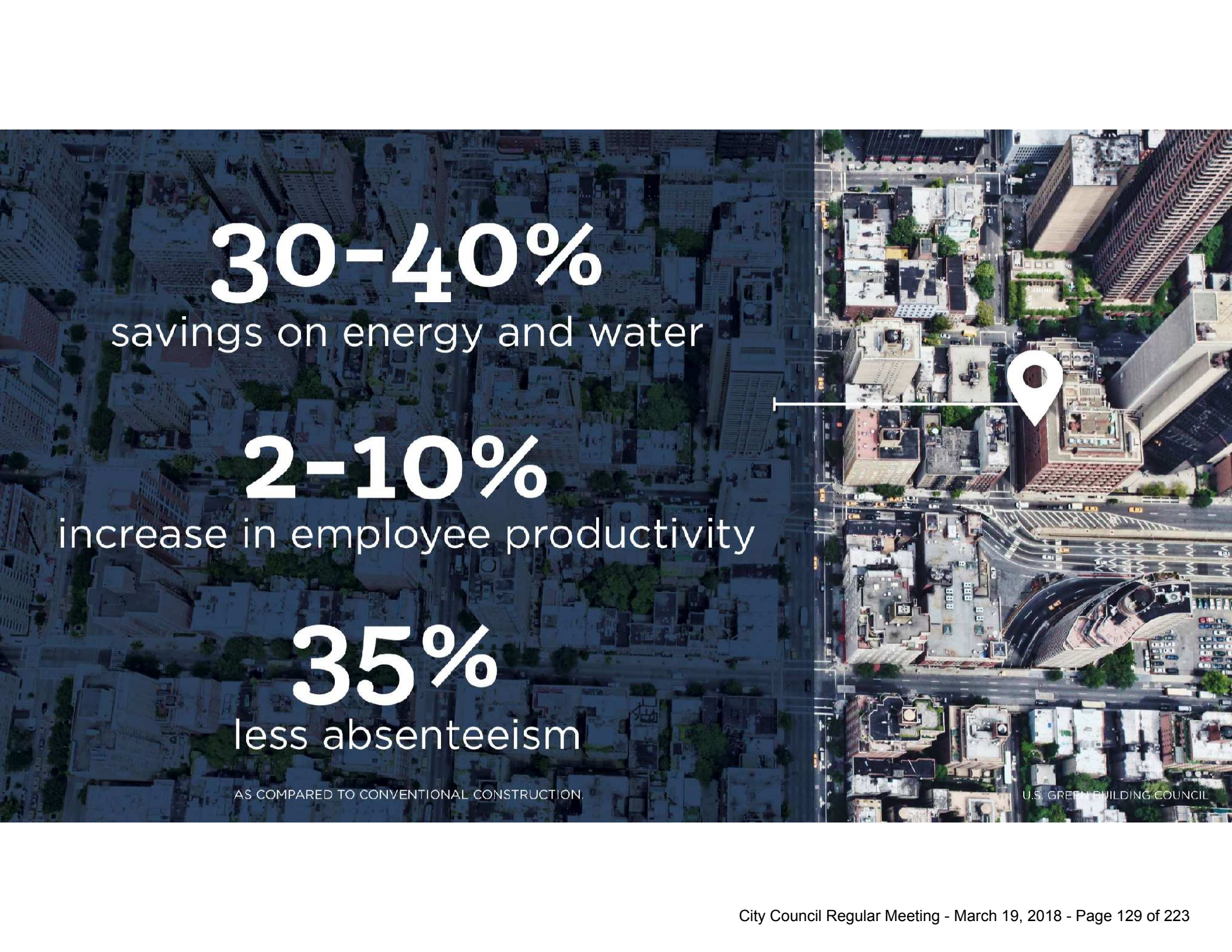




LEED buildings
command rents
as much as
10%
above market value.

Lease up rates
as much as
20%
above average.

U.S. GREEN BUILDING COUNCIL



30-40%

savings on energy and water

2-10%

increase in employee productivity

35%

less absenteeism

AS COMPARED TO CONVENTIONAL CONSTRUCTION.

U.S. GREEN BUILDING COUNCIL

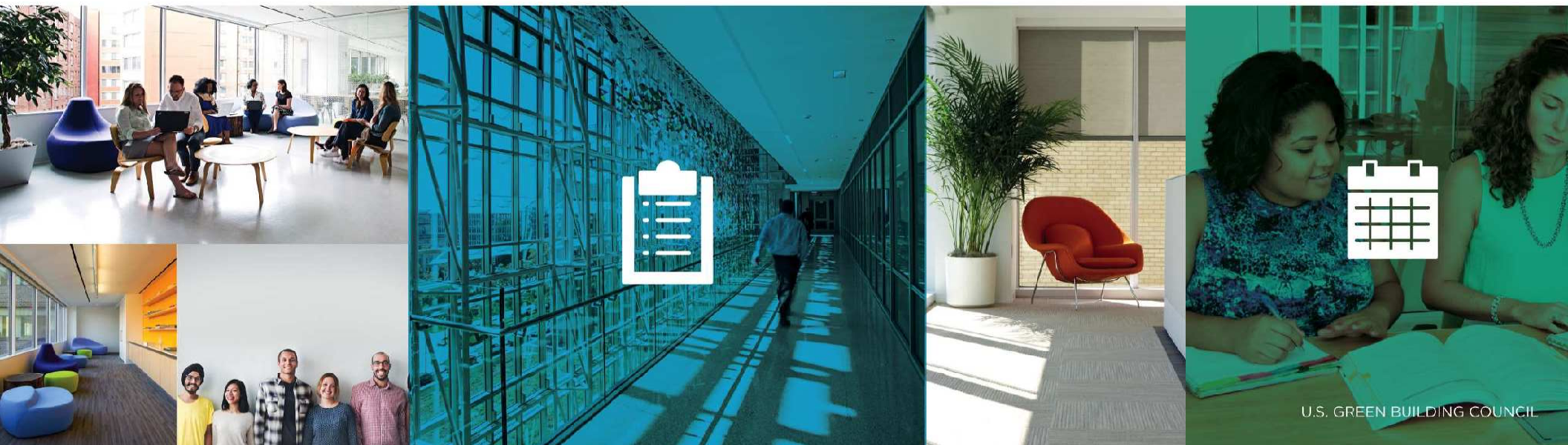
**Average cost paid to USGBC
for LEED certification: \$5,000**

**Average cost for LEED implementation
1-3% of project's total budget cost**

Average return on investment: 1-3 years

U.S. GREEN BUILDING COUNCIL

Studies have found a positive correlation between **improved indoor environmental quality** and **human health, productivity and attendance.**



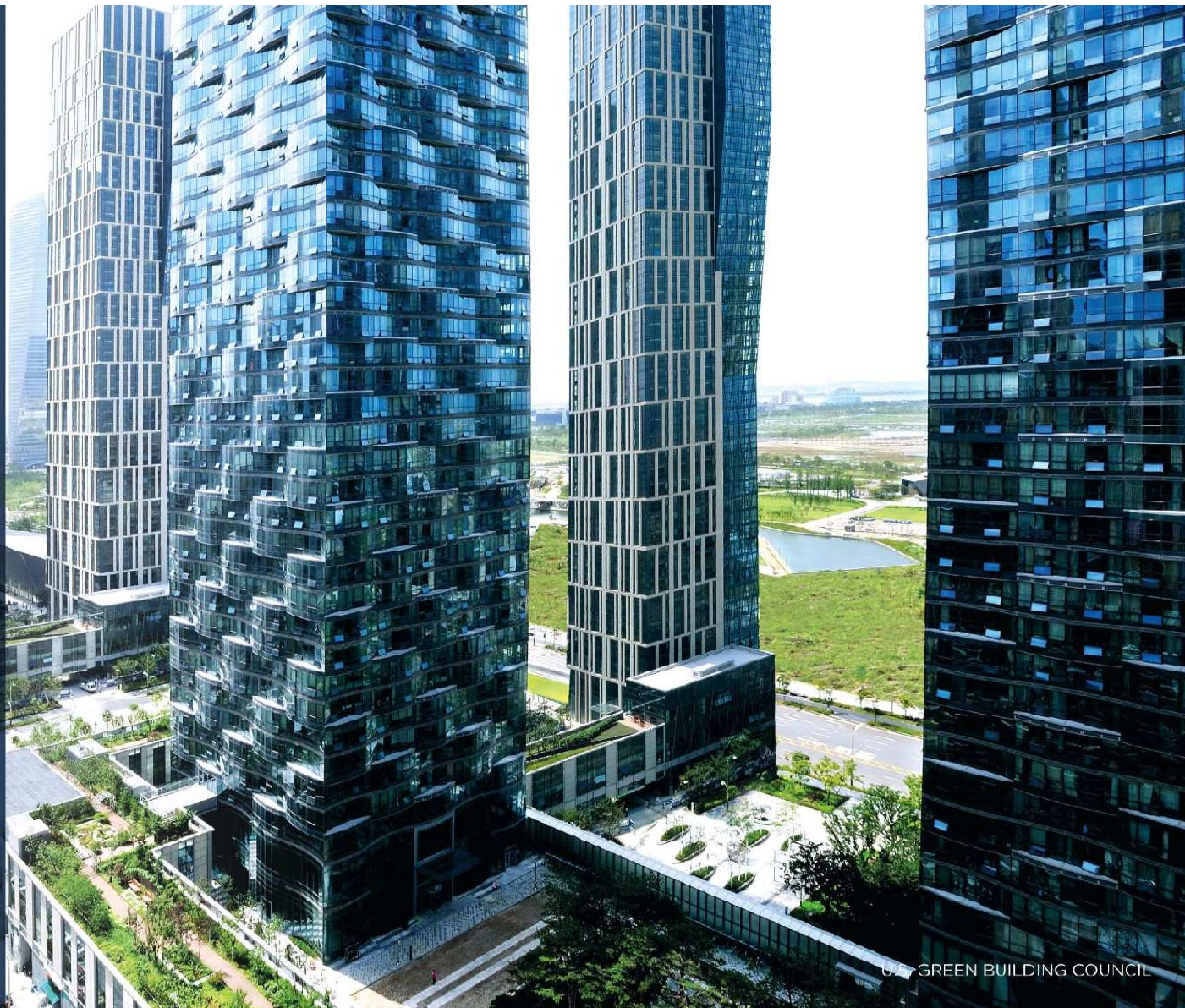


Staying ahead of environmental
regulations & insurance
requirements means

avoiding
sick
building
issues.

U.S. GREEN BUILDING COUNCIL

LEED is used
by companies
all over the
world.



U.S. GREEN BUILDING COUNCIL

Bringing the design & building
team to the table means

→ **fewer
delays
and cost
overruns.**

U.S. GREEN BUILDING COUNCIL



**Green Business
Certification, Inc.
(GBCI)**, the premier
organization for
independently
recognizing excellence
in sustainability
performance and
practice globally, is the
third party certification
body for LEED.



U.S. GREEN BUILDING COUNCIL

Third-party verification helps guarantee that each project saves energy, water and other resources,
reducing the overall environmental impact.



Third-party
certification
means
transparency.



U.S. GREEN BUILDING COUNCIL

Careful validation ensures that LEED projects are among the **most efficient, high performing buildings** in the world.





Every day,
1.8 million
square feet
of building space
is LEED certified.

U.S. GREEN BUILDING COUNCIL



Nearly
15
billion
square feet of
building space
has been
LEED-certified

U.S. GREEN BUILDING COUNCIL



LEED 2009 for New Construction and Major Renovations

Project Name

Project Checklist

Date

8 0 0 Sustainable Sites Possible Points: 26

Y	?	N	d/C				Notes:
Y			C	Prereq 1	Construction Activity Pollution Prevention		Not difficult to achieve, requires erosion and sediment control measure on the site
1			d	Credit 1	Site Selection	1	May be hard to get as you are locked to a site, assesment includes Topography. Contour mapping, unique topographic features, slope stability risks. Hydrology. Flood hazard areas, delineated wetlands, lakes, streams, shorelines, rainwater collection and reuse opportunities, TR-55 initial water storage capacity of the site (or local equivalent for projects outside the U.S.). Climate. Solar exposure, heat island effect potential, seasonal sun angles, prevailing winds, monthly precipitation and temperature ranges. Vegetation. Primary vegetation types, greenfield area, significant tree mapping, threatened or endangered species, unique habitat, invasive plant species. Soils. Natural Resources Conservation Service soils delineation, U.S. Department of Agriculture prime farmland, healthy soils, previous development, disturbed soils (local equivalent standards may be used for projects outside the U.S.). Human use. Views, adjacent transportation infrastructure, adjacent properties, construction materials with existing recycle or reuse potential. Human health effects. Proximity of vulnerable populations, adjacent physical activity opportunities, proximity to major sources of air pollution.
			d	Credit 2	Development Density and Community Connectivity	5	
1			d	Credit 3	Brownfield Redevelopment	1	
			d	Credit 4.1	Alternative Transportation—Public Transportation Access	6	Doubt there are bus routes as required to achieve this point
1			d	Credit 4.2	Alternative Transportation—Bicycle Storage and Changing Rooms	1	Bike storage needs to be on site and locker rooms need to be provided. If locker rooms are alredy programmed then this is an option
3			d	Credit 4.3	Alternative Transportation—Low-Emitting and Fuel-Efficient Vehicles	3	The parking needed would have to be increased by 5% for Low emitting vehicles and provide charing station at an additional construction cost
			d	Credit 4.4	Alternative Transportation—Parking Capacity	2	Hard to get for this type of facility as parking cannot exceed local code requirements
			C	Credit 5.1	Site Development—Protect or Restore Habitat	1	Most likely can get
			d	Credit 5.2	Site Development—Maximize Open Space	1	On a site that the users want to maximize usage this can be difficult as 25% needs to be turfed open space
1			d	Credit 6.1	Stormwater Design—Quantity Control	1	Can be achieved with some added construction costs
			d	Credit 6.2	Stormwater Design—Quality Control	1	Can be achieved with some added construction costs
			C	Credit 7.1	Heat Island Effect—Non-roof	1	Doubt this one is possible due to clearances for trucks and weight of trucks that limits paving material
			d	Credit 7.2	Heat Island Effect—Roof	1	May be difficult with per-engineered building. Would assume such things as green roof is out
1			d	Credit 8	Light Pollution Reduction	1	Possible to get as long as users are OK To increase night sky access, improve nighttime visibility, and reduce the consequences of development for wildlife and people.

4 2 0 Water Efficiency Possible Points: 10

Y	?	N	d/C				Notes:
Y			d	Prereq 1	Water Use Reduction—20% Reduction		Hard to achieve in a facility thay might be washing vehicles, etc
4	2		d	Credit 1	Water Efficient Landscaping	2 to 4	
					Reduce by 50%	2	Point is easy to get with limited to no additional construcion costs
					No Potable Water Use or Irrigation	4	Point is easy to get with limited to no additional construcion costs
			d	Credit 2	Innovative Wastewater Technologies	2	expensive construction costs to attain
			d	Credit 3	Water Use Reduction	2 to 4	
					Reduce by 30%	2	difficult to attain as described in pre-req above
					Reduce by 35%	3	difficult to attain as described in pre-req above
					Reduce by 40%	4	difficult to attain as described in pre-req above

4	0	0	Energy and Atmosphere			Possible Points: 35	
Y	?	N					Notes:
Y			C	Prereq 1	Fundamental Commissioning of Building Energy Systems		Doable, adds significant construction and consulting costs
Y			d	Prereq 2	Minimum Energy Performance		Meeting this is a challenge with pre-engineered building and type such as this with many windows
Y			d	Prereq 3	Fundamental Refrigerant Management		Easy to achieve
			d	Credit 1	Optimize Energy Performance	1 to 19	
					Improve by 12% for New Buildings or 8% for Existing Building Renovations	1	Hard to achieve these points with the type of use and structure type
					Improve by 14% for New Buildings or 10% for Existing Building Renovations	2	Hard to achieve these points with the type of use and structure type
					Improve by 16% for New Buildings or 12% for Existing Building Renovations	3	Hard to achieve these points with the type of use and structure type
					Improve by 18% for New Buildings or 14% for Existing Building Renovations	4	Hard to achieve these points with the type of use and structure type
					Improve by 20% for New Buildings or 16% for Existing Building Renovations	5	Hard to achieve these points with the type of use and structure type
					Improve by 22% for New Buildings or 18% for Existing Building Renovations	6	Hard to achieve these points with the type of use and structure type
					Improve by 24% for New Buildings or 20% for Existing Building Renovations	7	Hard to achieve these points with the type of use and structure type
					Improve by 26% for New Buildings or 22% for Existing Building Renovations	8	Hard to achieve these points with the type of use and structure type
					Improve by 28% for New Buildings or 24% for Existing Building Renovations	9	Hard to achieve these points with the type of use and structure type
					Improve by 30% for New Buildings or 26% for Existing Building Renovations	10	Hard to achieve these points with the type of use and structure type
					Improve by 32% for New Buildings or 28% for Existing Building Renovations	11	Hard to achieve these points with the type of use and structure type
					Improve by 34% for New Buildings or 30% for Existing Building Renovations	12	Hard to achieve these points with the type of use and structure type
					Improve by 36% for New Buildings or 32% for Existing Building Renovations	13	Hard to achieve these points with the type of use and structure type
					Improve by 38% for New Buildings or 34% for Existing Building Renovations	14	Hard to achieve these points with the type of use and structure type
					Improve by 40% for New Buildings or 36% for Existing Building Renovations	15	Hard to achieve these points with the type of use and structure type
					Improve by 42% for New Buildings or 38% for Existing Building Renovations	16	Hard to achieve these points with the type of use and structure type
					Improve by 44% for New Buildings or 40% for Existing Building Renovations	17	Hard to achieve these points with the type of use and structure type
					Improve by 46% for New Buildings or 42% for Existing Building Renovations	18	Hard to achieve these points with the type of use and structure type
					Improve by 48%+ for New Buildings or 44%+ for Existing Building Renovations	19	Hard to achieve these points with the type of use and structure type
			d	Credit 2	On-Site Renewable Energy	1 to 7	Can be done, adds construction costs
					1% Renewable Energy	1	Can be done, adds construction costs
					3% Renewable Energy	2	Can be done, adds construction costs
					5% Renewable Energy	3	Can be done, adds construction costs
					7% Renewable Energy	4	Can be done, adds construction costs
					9% Renewable Energy	5	Can be done, adds construction costs
					11% Renewable Energy	6	Can be done, adds construction costs
					13% Renewable Energy	7	Can be done, adds construction costs
2			C	Credit 3	Enhanced Commissioning	2	Doable, adds significant construction and consulting costs
2			d	Credit 4	Enhanced Refrigerant Management	2	easy to achieve
			C	Credit 5	Measurement and Verification	3	Doable, adds significant construction and consulting costs
			C	Credit 6	Green Power	2	not sure if this is available for this area

8	3	0	Materials and Resources			Possible Points:	14
Y	?	N					Notes:
Y			d	Prereq 1	Storage and Collection of Recyclables		Adds cost and loss of square footage for recycling stations in the building
			C	Credit 1.1	Building Reuse—Maintain Existing Walls, Floors, and Roof	1 to 3	No building to re-use
					Reuse 55%	1	No building to re-use
					Reuse 75%	2	No building to re-use
					Reuse 95%	3	No building to re-use
			C	Credit 1.2	Building Reuse—Maintain 50% of Interior Non-Structural Elements	1	No building to re-use
2	1		C	Credit 2	Construction Waste Management	1 to 2	Adds costs for construction as contractor has to manage these waste streams
					50% Recycled or Salvaged	1	Adds costs for construction as contractor has to manage these waste streams
					75% Recycled or Salvaged	2	Adds costs for construction as contractor has to manage these waste streams
			C	Credit 3	Materials Reuse	1 to 2	
					Reuse 5%	1	
					Reuse 10%	2	
2	1		C	Credit 4	Recycled Content	1 to 2	Is difficult for the pre-engineered building company to work with these guidelines
					10% of Content	1	Is difficult for the pre-engineered building company to work with these guidelines
					20% of Content	2	Is difficult for the pre-engineered building company to work with these guidelines
2	1		C	Credit 5	Regional Materials	1 to 2	Is difficult for the pre-engineered building company to work with these guidelines
					10% of Materials	1	Is difficult for the pre-engineered building company to work with these guidelines
					20% of Materials	2	Is difficult for the pre-engineered building company to work with these guidelines
1			C	Credit 6	Rapidly Renewable Materials	1	Possible point, can add construction costs
1			C	Credit 7	Certified Wood	1	Possible point, can add construction costs

0	0	0	Indoor Environmental Quality			Possible Points: 15	
Y	?	N					Notes:
Y			d	Prereq 1	Minimum Indoor Air Quality Performance		Achievable as ventilation in shop area will most likely exceed
Y			d	Prereq 2	Environmental Tobacco Smoke (ETS) Control		Can be done as long as users abide by requirements
			d	Credit 1	Outdoor Air Delivery Monitoring	1	monitoring adds construction costs
			d	Credit 2	Increased Ventilation	1	adds construction and operation costs
			C	Credit 3.1	Construction IAQ Management Plan—During Construction	1	Adds to construction costs by requiring increased ventilation during construction which can mean more energy for heat. Etc.
			C	Credit 3.2	Construction IAQ Management Plan—Before Occupancy	1	Adds to construction costs by requiring increased ventilation during construction which can mean more energy for heat. Etc.
			C	Credit 4.1	Low-Emitting Materials—Adhesives and Sealants	1	Adds to design and construction as all material specified and procured need to be vetted for compliance
			C	Credit 4.2	Low-Emitting Materials—Paints and Coatings	1	Adds to design and construction as all material specified and procured need to be vetted for compliance
			C	Credit 4.3	Low-Emitting Materials—Flooring Systems	1	Adds to design and construction as all material specified and procured need to be vetted for compliance
			C	Credit 4.4	Low-Emitting Materials—Composite Wood and Agrifiber Products	1	Adds to design and construction as all material specified and procured need to be vetted for compliance
			d	Credit 5	Indoor Chemical and Pollutant Source Control	1	
			d	Credit 6.1	Controllability of Systems—Lighting	1	Adds to construction costs due to expensive controls
			d	Credit 6.2	Controllability of Systems—Thermal Comfort	1	Adds to construction costs due to expensive controls
			d	Credit 7.1	Thermal Comfort—Design	1	Adds to construction costs for increased equipment for more zone controls
			d	Credit 7.2	Thermal Comfort—Verification	1	Adds to construction costs for increased equipment for more zone controls
			d	Credit 8.1	Daylight and Views—Daylight	1	Adds to design cost for verification and construction for building openings
			d	Credit 8.2	Daylight and Views—Views	1	Adds to design cost for verification and construction for building openings
1	0	0	Innovation and Design Process			Possible Points: 6	
Y	?	N					Notes:
			d/C	Credit 1.1	Innovation in Design: Specific Title	1	Hard to get, expensive
			d/C	Credit 1.2	Innovation in Design: Specific Title	1	Hard to get, expensive
			d/C	Credit 1.3	Innovation in Design: Specific Title	1	Hard to get, expensive
			d/C	Credit 1.4	Innovation in Design: Specific Title	1	Hard to get, expensive
			d/C	Credit 1.5	Innovation in Design: Specific Title	1	Hard to get, expensive
1			d/C	Credit 2	LEED Accredited Professional	1	Easy
0	0	0	Regional Priority Credits			Possible Points: 4	
Y	?	N					Notes:
			d/C	Credit 1.1	Regional Priority: Specific Credit	1	
			d/C	Credit 1.2	Regional Priority: Specific Credit	1	
			d/C	Credit 1.3	Regional Priority: Specific Credit	1	
			d/C	Credit 1.4	Regional Priority: Specific Credit	1	
25	5	0	Total			Possible Points: 110	
			Certified 40 to 49 points Silver 50 to 59 points Gold 60 to 79 points Platinum 80 to 110				

CHARLEVOIX CITY COUNCIL

All Other Actions and Requests

TITLE: Replace Marina Pedestals

DATE: March 19, 2018

PRESENTED BY: Don Swem, Electric Superintendent

BACKGROUND:

Electric Shock Drowning (ESD) is a hazard at all fresh water marinas. The potential exists for anyone that enters the water around the boats in the Marina to be injured or killed due to the fact that electric fault currents can be in the water without anyone realizing it. It is a silent deadly killer that can be prevented. A few years back Traverse City had just such a tragedy occur.

In years past we have inspected all of the electrical connections at the docks to help prevent any kind of current leakage into the water. This does a lot to prevent ESD. It does not, however, help in the case where the boat itself has an electrical fault into the water combined with a broken ground wire on their shore power cable. In that case there is nothing the Marina can do in advance to prevent the problem. The only thing left to do is monitor each circuit for problems and instantly shut off the power if a problem is detected.

Years ago when the marina project was underway there were very few monitoring systems available, and the ones that were around proved to be a major nuisance for the marina operators. False alarms were constant and the systems were pretty useless, so it was decided at that time to not install such a system. After that other monitoring systems were made available but they did not really meet the code or prove to be reliable as opposed to a nuisance. Over the years since then however these systems have shown some major improvements.

We now have a new proposal to install new ground fault pedestals throughout the marina. These pedestals would be independent of each other – if a boat with bad wiring hooked up it would immediately shut off the power to that boat but the rest of the boats would be unaffected. The only nuisance would be the offending boat, which would be disconnected until the fault is repaired.

We asked a local electrical company – Wilmot Electric, Inc. – to provide a proposal for changing out the pedestals at the Marina and replacing them with the new Ground Fault Pedestals. Wilmot was asked for the proposal for a couple of reasons. They are a very reputable local company with the staff available to not only install the system but to be available to maintain the system on an ongoing basis if it turns out to be needed. Other local electricians do not have the staff available for a large project. I tried to get a firm in Traverse City to give us a proposal but they felt it would be a waste of time as Wilmot is local.

Wilmot provided the attached proposal. Procurement and installation of the new pedestals for a complete system will be provided for a lump sum of \$87,117.00. This price appears to be reasonable considering the equipment and installation work required for a complete system.

RECOMMENDATION:

Motion to approve the proposal from Wilmot Electric to procure and install Ground Fault Pedestals at the Marina as described in the attached proposal for a lump sum price of \$87,117.00.

ATTACHMENTS:

- ▣ Proposal

WILMOT ELECTRIC, INC

12800 TAYLOR ROAD CHARLEVOIX, MICHIGAN 49720 (231) 547-5583 FAX: (231) 547-0358

PROPOSAL

February 10, 2018

Mr. Don Swem, Superintendent
City of Charlevoix Electric Department
210 State Street
Charlevoix, Michigan 49720

Re: Dock Pedestal Replacement with new Ground Fault Pedestals

Don:

Wilmot Electric, Inc. is pleased to submit this proposal to remove & replace (49) Dock Pedestals with new updated units equipped with Ground Fault Circuit Interrupting & Notification, in accordance with the following:

Scope of Work – Furnish & Install

- (2) Type A1/A2 Eaton Ground Fault Pedestal with Visual Alarm Notification
- (47) Type B2/C1 Eaton Ground Fault Pedestal with Visual Alarm Notification
- New stainless steel mounting hardware for each pedestal
- New water service connection fittings for each pedestal
- Deliver, unpack, assemble, and install new pedestals to existing utilities
- Remove obsolete pedestals and clean-up of all debris
- Provide electrical permit & inspection as required
- Includes labor, equipment, materials, freight, tools, insurance, and applicable taxes as required

Lot Price as Described: \$87,117.00

Please note that the (4) 100A Type EE-1 Pedestals are not included as they are not available with GFCI equipment from Marina Power & Lighting.

Your consideration of Wilmot Electric, Inc. is greatly appreciated. Please do not hesitate to contact me if you have any questions or concerns.

Thank you,

Sean W. Davis

Sean W. Davis, Vice President

CHARLEVOIX CITY COUNCIL

All Other Actions and Requests

TITLE: Golf Course Tree Removal

DATE: March 19, 2018

PRESENTED BY: Tom Heid, Director of Golf and Grounds

BACKGROUND:

On the northern sections of the Golf Course property, an old-growth wooded area, stands a mix of conifer and deciduous trees with a high percentage consisting of the Beech species.

With the recent infestation of the 'Beech Bark Disease' through a feeding insect and fungus, compounded by no-known feasible cure, an aggressive tree removal approach is required.

In the approved 2018/2019 budget, \$35,000 was allocated for tree removal services at the Golf Course. This proposal is the first phase of a forest management process.

On March 6, 2018 we received five (5) sealed bids for tree removal services. Low bid and meeting all specifications was Drost at a lump sum bid of \$21,850. Drost also works with us frequently to do street tree maintenance. Northern Sawmills is within the consideration of the Local Bidder Preference Guidelines established by Council but, given our frequent work with Drost, we would recommend the low bid.

RECOMMENDATION:

Motion to award the tree removal bid of \$21,850 to Drost

ATTACHMENTS:

- ▣ Tree Removal Bids
- ▣ Beech Bark Disease
- ▣ Local Bidders Policy
- ▣ Northern Sawmills Letter



CITY OF CHARLEVOIX

GOLF COURSE TREE REMOVAL

Bid Opening at City Hall

March 6, 2018 – 11am

Bidder Name	Total Cost
Northern Sawmills Charlevoix, MI	\$21,900
Mike's Tree Service Walker, MI	\$29,800
Site Planning Charlevoix, MI	\$84,767
Drost Petoskey, MI	\$21,850
Johansen's Tree Service Harbor Springs, MI	\$32,500

Forest Pest Alert

Beech Bark Disease

(*Cryptococcus fagisuga* + *Neonectria* spp.)

Why we care: Beech bark disease (BBD) is caused by both aspen-feeding scale insect and a fungus. American beech trees are first infested with beech scale. Scale feeding allows infection by the *Neonectria* fungus. The fungus kills the wood, blocking the flow of sap. Affected trees decline in health and eventually die. Some infected trees break off in heavy winds before dying – a condition called "beech snap" (see photo). The scales are covered with white wool, turning infested portions of the tree white.

What is at risk? There are 32 million American beech trees in Michigan. About 2.5 million beech have been killed by BBD to date. Much of this loss has been in the eastern Upper Peninsula. Newly infested beech forests are reported in the Lower Peninsula every year.

The threat: Tree mortality occurs three to six years after scales initially infest an area. The largest trees are most susceptible. Scale-infested trees with apparently healthy crowns are a hazard due to beech snap.

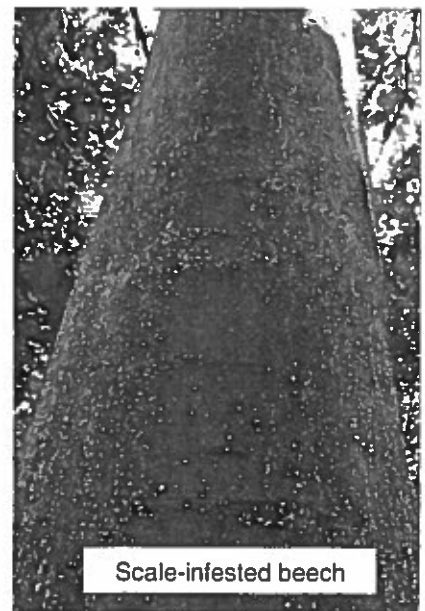
What is happening in Michigan? High timber-value trees are being salvaged. The DNR has stepped up hazard tree removals due to BBD and the emerald ash borer. About 3% of American beech is resistant to BBD. Resistant trees are being identified and used to produce resistant American beech for the future.

What can you do? Don't move beech firewood or logs from infested areas to uninfested areas. Controlling the natural spread of BBD is not feasible because both the scale and fungus are moved by animals and the wind. Once scale infests trees in your area, watch for resistant trees. Report new finds.



Beech trees weakened by BBD often "snap"

Michigan DNR Forest Health Program photo archive



Scale-infested beech

Michigan DNR Forest Health Program photo archive



Report Suspect Forest Pest Infestations in Michigan

Email: DNR-FRD-Forest-Health@michigan.gov

Phone: (517) 284-5895

Midwest Invasive Species Information Network: www.misin.msu.edu

Learn more: <http://na.fs.fed.us/spfo/pubs/fidls/beechbark/fidl-beech.htm> and

<http://www.baycounty-mi.gov/Docs/Health/GypsyMoth/BeechBark.pdf>

Don't Move Firewood!



A. Local Bidder's Preference Policy

Motion by Councilmember Dennis Kusina, seconded by Councilmember Shane Cole, to approve Resolution 2009-11-01 as follows:

**CITY OF CHARLEVOIX
RESOLUTION NO. 2009-11-01**

A RESOLUTION IN SUPPORT OF A LOCAL BIDDERS PREFERENCE POLICY

WHEREAS, the City of Charlevoix solicits bids for a variety of different products, services and projects throughout the year; and

WHEREAS, the City of Charlevoix desires to be supportive of local businesses and recognizes value in hiring local firms; and

WHEREAS, hiring local businesses promotes sound economic development principles assisting to retain City tax dollars locally; and

WHEREAS, the City of Charlevoix's City Council desires to create a Local Bidders Preference Policy which permits the City to award a bid to a local bidder/vendor if the local bid/quote is within a specific percentage of the lowest qualified bidder;

NOW THEREFORE, BE IT RESOLVED, by the City of Charlevoix City Council that the following "Local Bidders Preference Policy" be adopted.

LOCAL BIDDERS PREFERENCE POLICY

When preparing specifications or solicitations for bids, quotes, etc., the following policy shall be made available to bidders.

The City may grant an award to a qualified local bidder/vendor as defined below, if a local bid/quotation is within the following percentages of the lowest qualified bid:

- A. Within 3% for projects/purchases/services up to and including \$100,000;
- B. Within 2% for projects/purchases/services over \$100,000 up to and including \$500,000;
- C. Within 1% for projects/purchases/services over \$500,000;

To be considered for local bidder preference, a qualified local bidder/vendor shall have met the following qualifications for at least one year prior to date bids are due:

- 1. Shall have a legal permanent business address within Charlevoix County;
- 2. Shall be a personal property or real property taxpayer in Charlevoix County;
- 3. Shall not be indebted or in default to the City or in breach of any contract with the City.

Any Charlevoix County-based business awarded a contract or bid pursuant to this policy shall agree to make available to the City all records necessary to establish eligibility and compliance with all provisions of this policy.

All projects/purchases/services awarded under this policy shall be awarded pursuant to the applicable bid specifications and shall require a responsive bid from a Charlevoix County-based business who must be a responsible bidder as determined by the City. In accepting a bid under this policy, the City may consider some or all of the following as may be applicable:

- 1. The ability, capacity and skill of the bidder to complete project or offer products or services;
- 2. Whether the bidder can perform promptly or within the time specified, without delay or interference;
- 3. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- 4. The quality of performance of previous projects or services;

5. The previous and existing compliance by the bidder with laws and ordinances relating to performing project or providing goods and services;
6. The sufficiency of the financial resources and ability of the bidder to perform the project or provide the service;
7. The quality, availability and adaptability of the materials/supplies or services to the particular use required;
8. The ability of the bidder to provide future maintenance and services for the use of the subject of the contract or goods or services specified;
9. The number and scope of the conditions attached to the bid.

In furtherance of the best interest of the City, its taxpayers and residents, the City Council has adopted this policy to support local businesses in the procurement of City capital improvements and goods and services, whenever reasonably possible. This policy may be revised at any time by proper action of the City Council, acting in compliance with the City Charter the City Code, and the Rules and Procedures of the City Council.

RESOLVED, this 16th day of November, A.D. 2009.

Resolution was adopted by the following yea and nay vote:

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

Flooring
Log Siding
Kiln Dried Lumber
Paneling
Green Lumber
Mulch & Wood Chips

NORTHERN SAWMILLS, INC.
7250 Dalton Road
Charlevoix, MI 49720
(231) 547-9452 - HOME
(231) 547-0845 Mill Phone & Fax

All Wood Products
Manufactured in
Northern Michigan
From
Northern Michigan
Timber

March 19, 2018

City of Charlevoix

To Whom It May Concern

On March 6, 2018 I submitted a bid for \$21,900.00 to remove 100 trees at the City golf course. I understand that the lowest bidder was a mere \$50.00 below my bid. I am hoping that you will consider Northern Sawmills, Inc. the lowest bidder based on your 3% local bidders preference policy and therefore award the bid to Northern Sawmills.

I have had a wood products business in Charlevoix County for 39 years. As owner and operator I have 40 years of experience in the forestry and tree removal business. I have all the equipment needed at my disposal to complete the job in a timely manner.

I was informed by the City Clerk that the bid decision would be made at your meeting on March 19, 2018. During a phone conversation today March 19, 2018, with Tom Heid, Director of Golf and Grounds he stated to me that the job had already been given to Drost based on prior job history with his company. I am sure that cannot be true because this decision would be made at a public meeting by the elected officials.

I look forward to working for the City if the bid is awarded to Northern Sawmills, Inc.

Sincerely



Dennis Golovich, President
Northern Sawmills, Inc.
Charlevoix Michigan

**NATURAL RESOURCES
COMMISSION**

KEITH J. CHARTERS, Chair
JIM CAMPBELL
NANCY A. DOUGLAS
PAUL EISELE
BOB GARNER
WILLIAM U. PARFET
FRANK WHEATLAKE

STATE OF MICHIGAN



JOHN ENGLER, Governor
DEPARTMENT OF NATURAL RESOURCES
STEVENS T MASON BUILDING, PO BOX 30028, LANSING MI 48909-7528
WEBSITE: www.michigandnr.com
K. L. COOL, Director

October 8, 2003

Mr. Dennis Golovich
7250 Dalton Road
Charlevoix, MI 49720

Dear Dennis:

This letter is to verify that the timber sales that you have worked on state forest lands for the past ten years have been well done. The timber cutting work was done with loggers who demonstrated taking adequate time to selectively remove the timber without causing unnecessary damage to the remaining trees. Protection of the residual stand is one of our highest priorities, so we appreciate your integrity in this regard. Logging roads were also maintained in order to remove the timber, and protect the trails from rutting.

In the event that you need a recommendation for timber sale work on private land, I am willing to verify that you have done very good work on state land.

Sincerely,

A handwritten signature in cursive script that reads "Kimberly Lentz".

Kimberly Lentz
Forest Technician
Gaylord D.N.R. Field Office
1732 M-32 West
Gaylord, MI 49735
(989) 732-3541 ext: 5442

CHARLEVOIX CITY COUNCIL

All Other Actions and Requests

TITLE: MDNR Grant Application: Lake Michigan Beach Park Trail

DATE: March 19, 2018

PRESENTED BY: Mark L. Heydlauff, City Manager

BACKGROUND:

As you know, we have been working with Edgewater Resources to develop a long-range plan for maintenance and improvements at Lake Michigan Beach Park. As we have gathered public input, two particular items have been noted frequently: the condition of stairs leading to the beach and the construction of a pedestrian and bicycle walkway to divert those persons off the street.

By adopting the attached resolution, we will apply for a grant from the DNR to fund the trail with a match of \$41,000. The total project is expected to cost \$164,000. At this point, details of the trail can still be modified and will be reviewed by Council when Edgewater presents their final recommendations. It is necessary, however, to file this paperwork with the State by April 1 in order to qualify for the next round of grant funding.

RECOMMENDATION:

Motion to approve Resolution 2018-03-02 and authorize the City Manager to file the Grant Application with the Michigan Department of Natural Resources and direct the City Manager to modify the 2018 Capital Improvement Plan accordingly.

ATTACHMENTS:

- ▣ Resolution 2018-03-02
- ▣ Lake Michigan Beach Park Powerpoint Presentation

CITY OF CHARLEVOIX
RESOLUTION NO. 2018-03-02
RECREATION PASSPORT GRANT PROGRAM AUTHORIZATION

WHEREAS, the City of Charlevoix supports the submission of an application titled, "Michigan Beach Park " to the Recreation Passport Grant Program for development of *site improvements* at *Michigan Beach Park*; and

WHEREAS, the proposed application is supported by the current annual Capital Improvement Plan; and

WHEREAS, the City of Charlevoix is hereby making a financial commitment to the project in the amount of \$41,000 matching funds, in cash and/or force account.

NOW THEREFORE BE IT RESOLVED, that the City of Charlevoix City Council hereby authorizes submission of a Recreation Passport Grant Program Application for \$123,000, and further resolves to make available its financial obligation amount of \$41,000 (25%) of a total \$164,000 project cost, during the 2018-2019 fiscal year.

RESOLVED this 19th day of March, 2018 A.D.

Resolution was adopted by the following yea and nay vote:

Yeas:

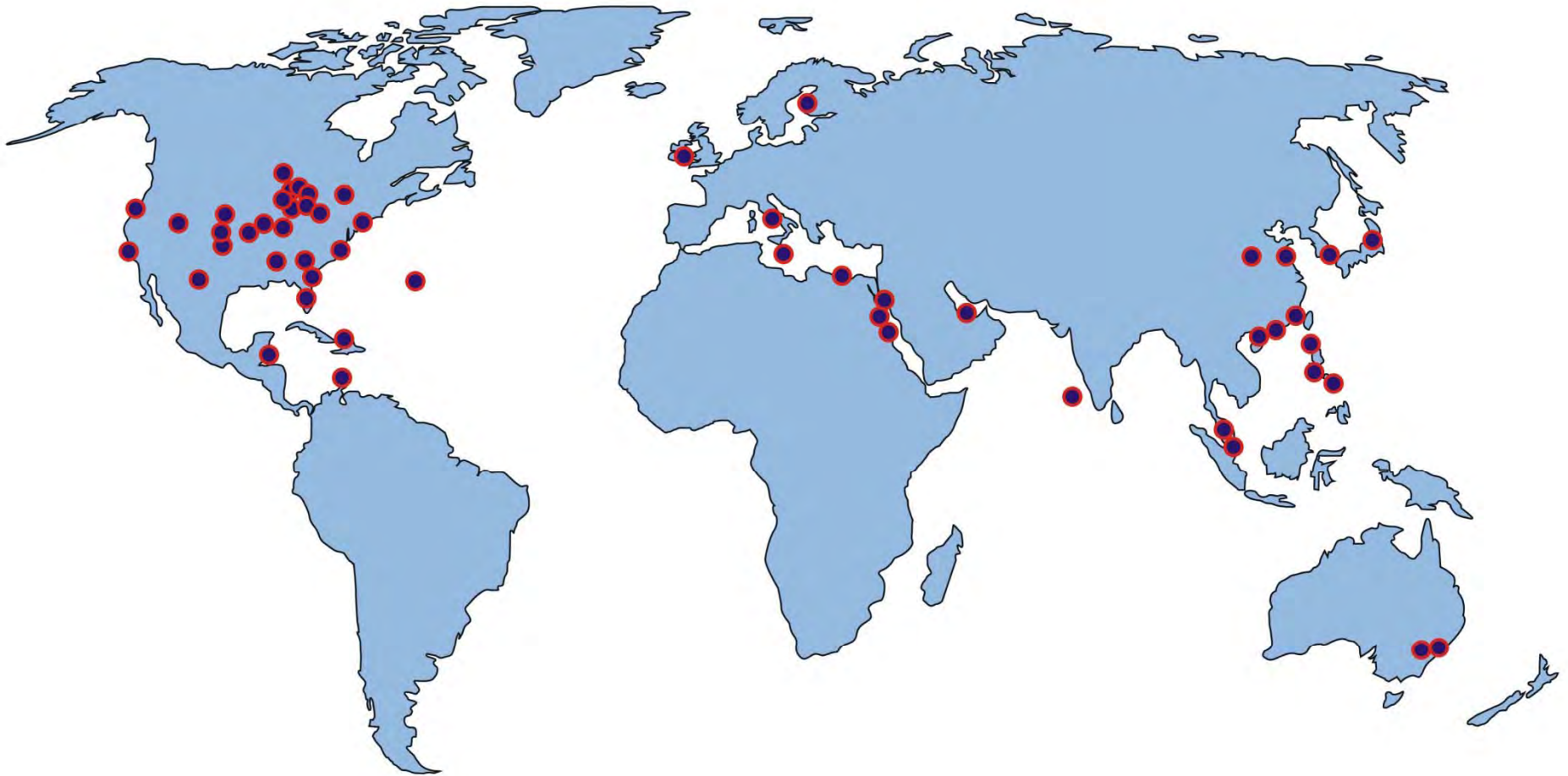
Nays:



Michigan Beach Park Master Plan Grant Application Public Hearing and Draft Consensus Plan Presentation

Charlevoix, Michigan
March 8, 2018

Global Experience



City of Charlevoix

Michigan Beach Park



31st Street Harbor



City of Charlevoix

Michigan Beach Park

Stapleton Greenways



City of Charlevoix

Michigan Beach Park

Monroe Bluff Streetscape



City of Charlevoix

Michigan Beach Park



City of Charlevoix

Michigan Beach Park



City of Charlevoix

Michigan Beach Park



City of Charlevoix

Michigan Beach Park



City of Charlevoix

Michigan Beach Park



City of Charlevoix

Michigan Beach Park



City of Charlevoix

Michigan Beach Park

GOALS

- *Improve public access along Park Avenue to lower beach*
- *Expand ADA access*
- *Eliminate invasive species and protect/ expand native plant species habitat*
- *Address potential safety considerations associated with traffic conflicts*
- *Enhance community amenities such as seating, signage, litter/recycling, exercise, and/or play equipment*



PROCESS

- *Continuous Community Involvement*
- *Site Assessment*
- *Community Visioning*
- *Engage Permitting Agencies and Project Stakeholders*
- *Development of Concept Alternatives*
- *Refinement of Alternatives to Consensus Plan*
- *Development of Implementation Strategies*



PUBLIC INPUT

Stakeholder Interviews: November-December 2017

Community Meeting #1: Project Introduction and Community Visioning, December 14, 2017

Visual Preference Survey: January 2018

Concept Alternatives Survey: February 2018

Community Meeting #2: Draft Consensus Plan Review Session and Grant Hearing, March 8, 2018

Consensus Plan posted/Grant Submittal – April 1, 2018





City of Charlevoix

Michigan Beach Park

VISUAL PREFERENCE SURVEY

388 total responses

Most popular images (280+ likes)



City of Charlevoix

Michigan Beach Park

Popular images (200+ likes)



City of Charlevoix

Michigan Beach Park

Least popular images (<75 likes)



City of Charlevoix

Michigan Beach Park

CONCEPT ALTERNATIVES SURVEY

54 total responses

Concept A: Park as Woodland Arboretum

- 27% chose as favorite
- Like: Reintroduction of native plants, management of undergrowth for views, off-street trail, parking improvements, basic improvements to beach steps, educational signage
- Dislike: Higher maintenance planting, picnic areas, parking in front of Earl Young homes

Concept B: Park as Space for Quiet Reflection

- 30% chose as favorite
- Like: Minimalist approach, off-street trail, preserve woodland character, overlooks
- Dislike: One-way traffic idea, not enough parking

Concept C: Park as Visitor Destination

- 16% chose as favorite
- Like: Restroom, landscape slide
- Dislike: Restroom, landscape slide, play is too active for this natural space



City of Charlevoix

Michigan Beach Park

Common Ideas for All Concepts

Key site corridors would be selectively managed to reduce understory growth and provide views of Lake Michigan.



Woodchip trails to be maintained at 6' wide minimum, with seating provided at regular intervals.



All concepts to include a pedestrian connection to the public beach and existing recreation amenities. The beach sidewalk then connects to the channel walkway leading to Round Lake.

A signage system would be a part of all plans, with both directional information, walking distances, and educational information on local natural and historic resources.

Off street parking to be porous gravel with the exception of handicap spaces. Trail to be separated from road with simple wooden fencing.



All plans also include a 10' wide asphalt walking and biking trail. Low-level pathway lighting would illuminate the trail for expanded use. Site amenities such as seating, bike racks, litter receptacles, and dog bag dispensers would be located along the multi-use asphalt trail.



Three crosswalks are proposed along Park Avenue for safe pedestrian flow, near Antrim, Mason, and Sherman Streets, and delineated with stone or masonry columns.



All concepts include the potential to link the multi-use trail to a future trail continuing west to the Hospital and beyond.

All concepts to include a 'Woodland Management' overlay. Upland zones will be actively maintained by the City, either by hand or through a goat grazing program, to limit invasives and to allow healthy biodiversity of woodland species. This will align with the recommendations of the 2017 Forestry Management Plan.



Concept A:

Park as Woodland Arboretum

Legend

- A. Gravel Parking: 58 spaces
- B. Multi-Use Asphalt Trail
- C. Woodchip Trail
- D. Beach Stair Improvements
- E. Pillars at Crosswalks (3)
- F. Benches
- G. Picnic Tables
- H. Ornamental Trees at Woodland "Meadows"
- I. Native Shrub Plantings
- J. Accessible Path Connection to Beach

* Site Corridor



Site Narrative

This concept most closely resembles Ken Polakowski's 2017 Plan. Common to all three concepts is the preservation and protection of plant biodiversity on the lower woodland dunes (between woodchip trails and the beach). This plan proposes minimal improvements within this woodland zone, with the exception of woodchip trail connections, beach step and rail repair, and minimal clearing of underbrush and branches in key site corridors.

Park improvements for Concept A are focused on native planting zones, or woodland "Meadows", along Park Avenue. These Meadows would consist of small areas of mown turf adjacent to parking, with seating and picnic tables for visitors. The transition between mown turf and existing woodland would be marked by a planting zone of low-maintenance native trees and shrubs.

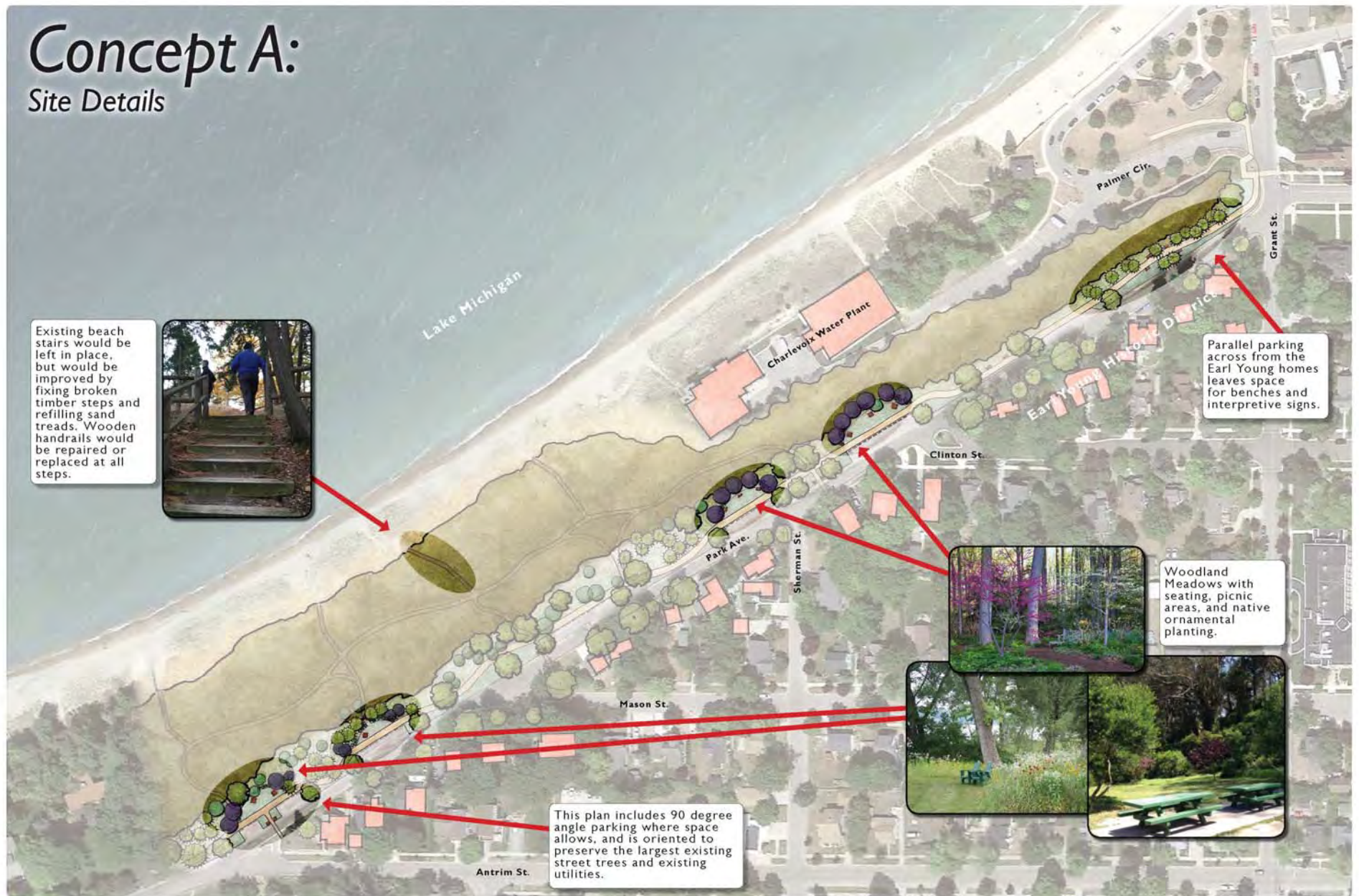
Meadows would be linked by the multi-use trail, which connects down Grant Street to the public beach.

Site Character



Concept A:

Site Details



Concept B: Park as Space for Quiet Reflection

Legend

- A. Gravel Parking: 30 spaces
- B. Multi-Use Asphalt Trail
- C. Woodchip Trail
- D. Beach Stair Improvements
- E. Pillars at Crosswalks (3)
- F. Benches at Trailheads
- G. Picnic Tables
- H. Cantilevered Accessible Overlook
- I. Accessible Path Connection to Beach

Site Corridor



Site Narrative

This concept responds to community feedback stating that residents enjoy the park's natural character and do not wish to see extensive improvements or changes.

Park improvements in this plan are focused on maintaining woodland biodiversity (with minimal site clearing for view corridors) with improvements along Park Avenue for passive recreation such as walking, sitting, and viewing of both the natural surroundings and the historic Earl Young homes.

Seating areas are again linked by the multi-use trail, which connects down Grant Street to the public beach.

This plan includes cantilevered overlooks along the trail between upper and lower dunes, which could be constructed to be fully accessible for park users of all ages and abilities.

Site Character



Concept B:

Site Details

Existing woodchip trails through the woods would be improved and beach stairs would be improved with timber treads. Wooden handrails would be repaired or replaced at all steps.



Cantilevered overlooks with seating would be added adjacent to existing woodland trails. Selective clearing of understory trees would provide lake views.



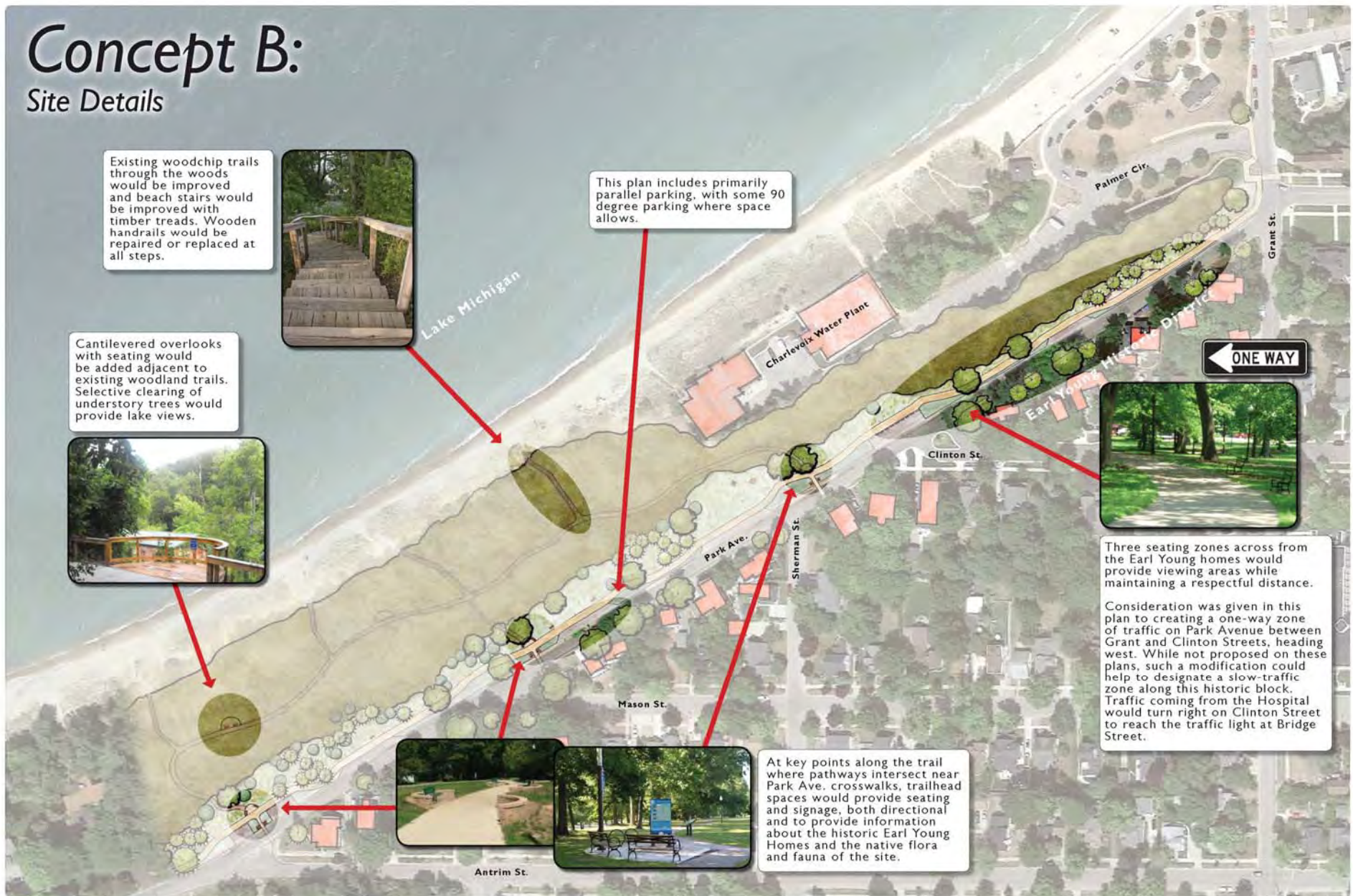
This plan includes primarily parallel parking, with some 90 degree parking where space allows.



Three seating zones across from the Earl Young homes would provide viewing areas while maintaining a respectful distance.

Consideration was given in this plan to creating a one-way zone of traffic on Park Avenue between Grant and Clinton Streets, heading west. While not proposed on these plans, such a modification could help to designate a slow-traffic zone along this historic block. Traffic coming from the Hospital would turn right on Clinton Street to reach the traffic light at Bridge Street.

At key points along the trail where pathways intersect near Park Ave. crosswalks, trailhead spaces would provide seating and signage, both directional and to provide information about the historic Earl Young Homes and the native flora and fauna of the site.



Concept C: Park as Visitor Destination

Legend

- A. Gravel Parking: 42 spaces
- B. Multi-Use Asphalt Trail
- C. Woodchip Trail
- D. Beach Stair Improvements
- E. Pillars at Crosswalks (3)
- F. Benches
- G. Picnic Tables
- H. Restroom Structure
- I. Landscape Slide
- J. Play Equipment
- K. Asphalt Parking for Handicap Access
- L. Accessible Path Connection to Beach

Site Corridor



Site Narrative

This concept explores the idea of creating a point of interest at the west end of the park that would serve as a unique recreational draw to the community.

For the majority of this plan, park improvements are focused on natural spaces and passive recreation. The exception is a nature-based play area for families with adjacent restroom structure near Antrim Street.

Feedback received through the Visual Preference Survey indicates interest in a small restroom structure along Park Avenue and more activities for families.

As in other plans, site amenities would be located along the multi-use trail and selective clearing of understory trees would provide lake views. The trail would again connect along Grant Street to the public beach.

Site Character



Concept C:

Site Details

Existing woodchip trails through the woods would be improved and beach stairs in this plan would be replaced with concrete treads. Wooden handrails would be repaired.



A small, fully accessible restroom with architecture to blend into the site would provide facilities for visitors.



Lake Michigan

Charlevoix Water Plant

Palmer Cir.

Grant St.

Clinton St.

This plan maximizes parking where slopes and existing features allow.



MUSHROOM HOUSE Tours

As in other plans, seating is provided across Park Avenue from the Earl Young homes. In this concept, the only parking in this zone is for tour buses to pull off the road. Keeping the area free of parking would allow a best visitor viewing experience of this unique historic resource.

Mason St.

Sherman St.

Park Ave.



The play area to the west would include nature-based play equipment, such as a climbing feature or logs and sticks for creative play. The most exciting feature of the play area would be a landscape slide set into the adjoining hillside. Through careful design, this slide could provide a thrilling, yet safe element of fun.

Antrim St.

DRAFT CONSENSUS PLAN



City of Charlevoix

Michigan Beach Park

DRAFT CONSENSUS PLAN



City of Charlevoix

Michigan Beach Park



City of Charlevoix

Michigan Beach Park



City of Charlevoix

Michigan Beach Park



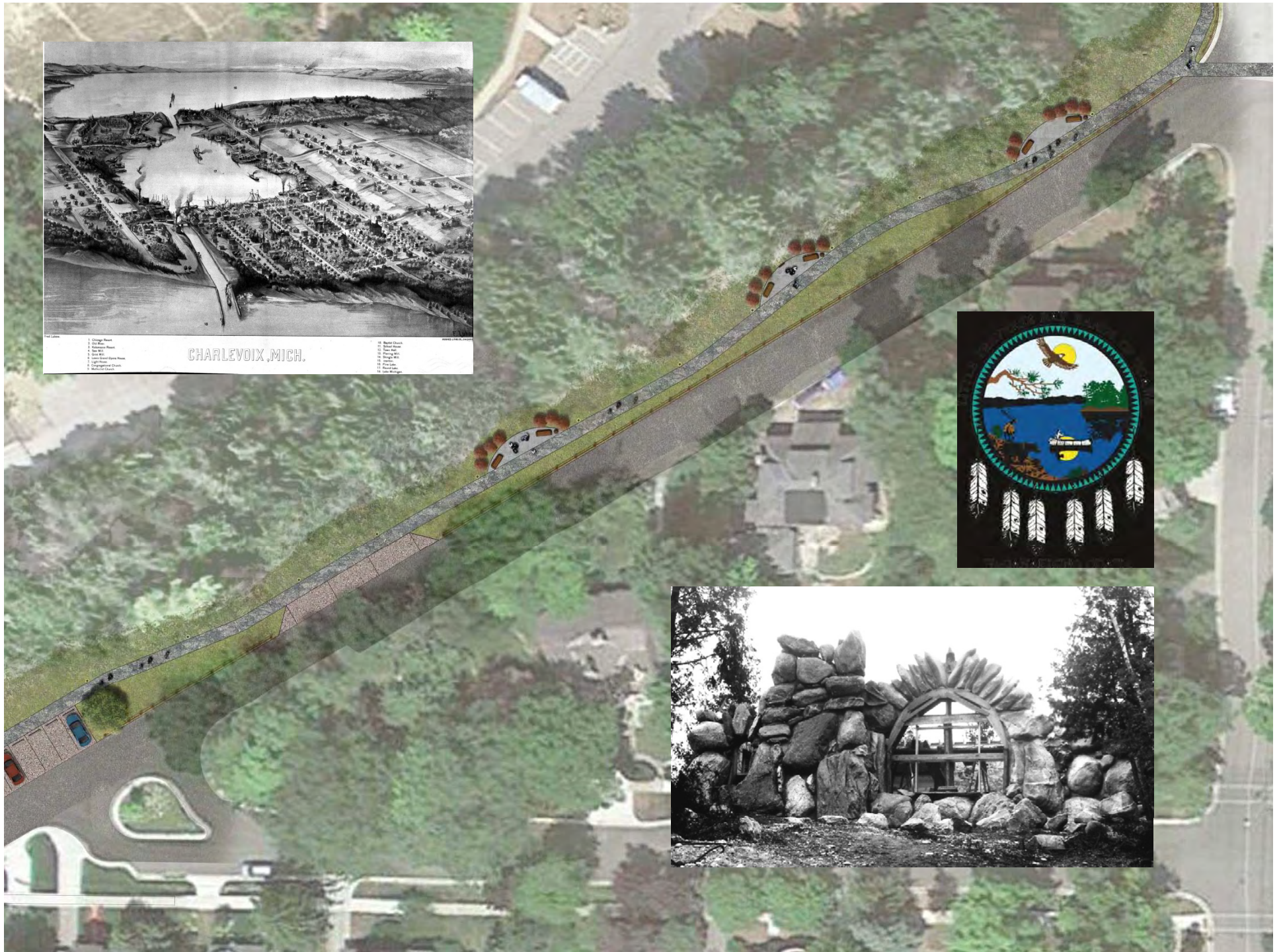
City of Charlevoix

Michigan Beach Park



City of Charlevoix

Michigan Beach Park

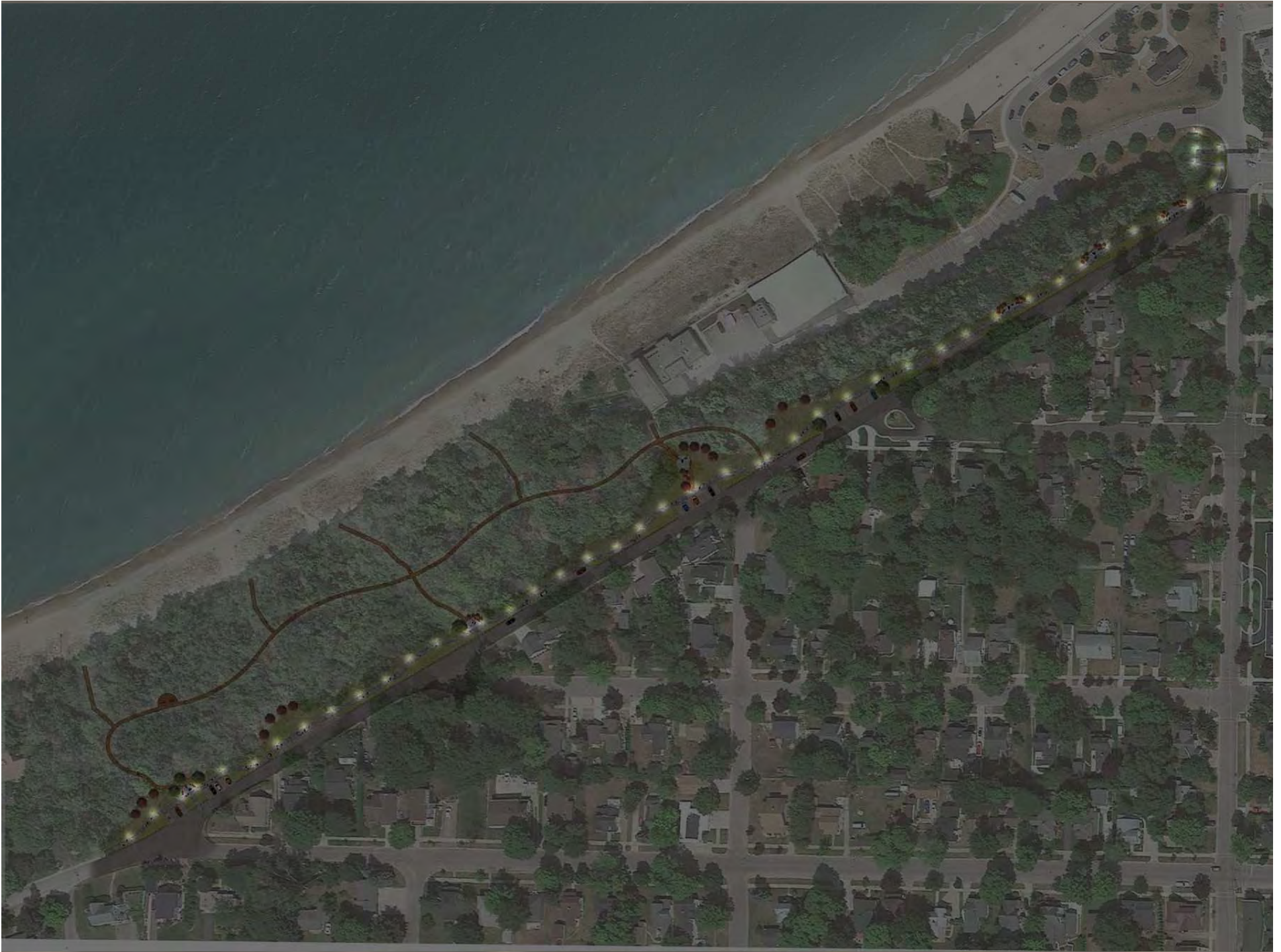




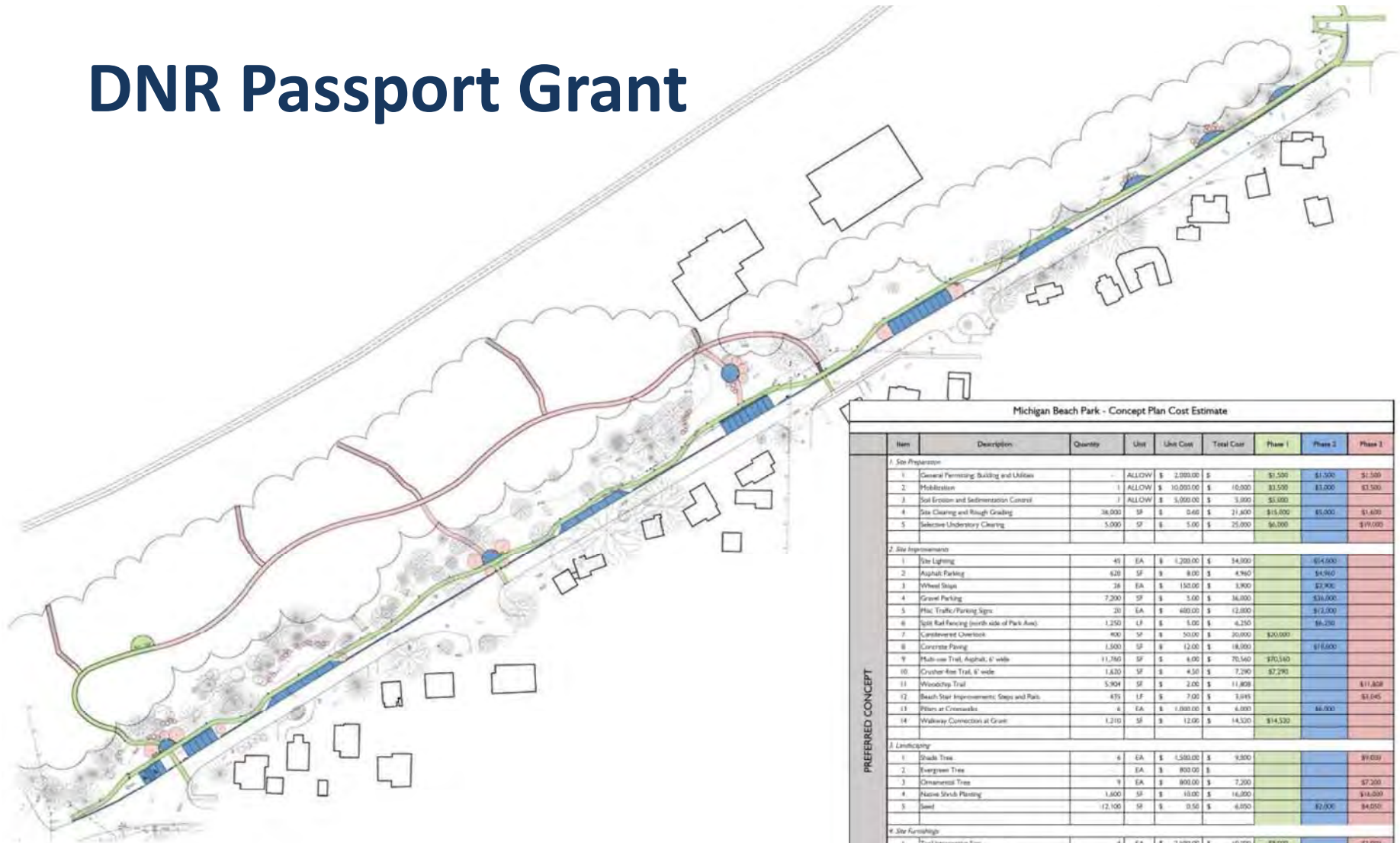
City of Charlevoix

Michigan Beach Park





DNR Passport Grant



Item	Description	Quantity	Unit	Unit Cost	Total Cost	Phase 1	Phase 2	Phase 3
1. Site Preparation								
1	General Permitting Building and Utilities	-	ALLOW	\$ 2,000.00	\$ -	\$1,500	\$1,500	\$1,500
2	Mobilization	1	ALLOW	\$ 10,000.00	\$ 10,000	\$3,500	\$3,000	\$3,500
3	Soil Erosion and Sedimentation Control	1	ALLOW	\$ 5,000.00	\$ 5,000	\$5,000		
4	Site Clearing and Rough Grading	38,000	SF	\$ 0.46	\$ 17,480	\$15,000	\$5,000	\$1,480
5	Selective Understory Clearing	5,000	SF	\$ 5.00	\$ 25,000	\$6,000		\$19,000
2. Site Improvements								
1	Site Lighting	45	EA	\$ 1,200.00	\$ 54,000		\$14,000	
2	Asphalt Parking	620	SF	\$ 8.00	\$ 4,960		\$4,960	
3	Wheel Stops	16	EA	\$ 150.00	\$ 2,400		\$2,400	
4	Gravel Parking	7,200	SF	\$ 5.00	\$ 36,000		\$36,000	
5	Plastic Traffic/Parking Signs	20	EA	\$ 600.00	\$ 12,000		\$12,000	
6	Split Rail Fencing (south side of Park Ave)	1,250	LF	\$ 5.00	\$ 6,250		\$6,250	
7	Concrete Overlook	400	SF	\$ 50.00	\$ 20,000	\$20,000		
8	Concrete Paving	1,500	SF	\$ 12.00	\$ 18,000		\$18,000	
9	Multi-use Trail, Asphalt, 6' wide	11,760	SF	\$ 6.00	\$ 70,560	\$70,560		
10	Crusher-Free Trail, 6' wide	1,620	SF	\$ 4.50	\$ 7,290	\$7,290		
11	Woodchip Trail	5,904	SF	\$ 2.00	\$ 11,808			\$11,808
12	Beach Star Improvements: Steps and Rails	475	LF	\$ 7.00	\$ 3,325			\$3,325
13	Plants at Crosswalks	4	EA	\$ 1,000.00	\$ 4,000		\$4,000	
14	Walkway Connection at Gravel	1,210	SF	\$ 12.00	\$ 14,520	\$14,520		
3. Landscaping								
1	Shrub Tree	6	EA	\$ 1,500.00	\$ 9,000			\$9,000
2	Evergreen Tree	1	EA	\$ 800.00	\$ 800			\$800
3	Ornamental Tree	9	EA	\$ 800.00	\$ 7,200			\$7,200
4	Native Shrub Planting	1,600	SF	\$ 10.00	\$ 16,000			\$16,000
5	Seed	12,100	SF	\$ 0.50	\$ 6,050		\$6,050	\$6,050
4. Site Furnishings								
1	Trail Interpretive Sign	4	EA	\$ 2,500.00	\$ 10,000	\$8,000		\$2,000
2	Urn and Recycling Recreators	5	EA	\$ 2,000.00	\$ 10,000			\$10,000
3	Site Bench	8	EA	\$ 500.00	\$ 4,000			\$4,000
4	Bench	12	EA	\$ 3,500.00	\$ 42,000			\$42,000
5	Sitting Bench	2	EA	\$ 7,500.00	\$ 15,000			\$15,000
6	Rocking Chair	2	EA	\$ 500.00	\$ 1,000			\$1,000
Subtotal					\$ 449,181	\$ 151,570	\$152,449	\$145,162
Consulting Fee (8%)					\$ 35,935	\$ 12,115	\$ 12,199	\$ 11,990
PREFERRED CONCEPT TOTAL					\$ 485,116	\$ 163,685	\$ 164,648	\$ 157,152
Charlevoix 25% match minimum					\$ 121,279	\$ 40,921	\$ 41,162	\$ 39,288

Notes:
 (1) This cost estimate is preliminary and is for general information only.
 (2) Utility costs assume nearby supplies with capacity.
 (3) Engineering, bidding, construction administration, environmental testing and permitting are included from this estimate.



Michigan Beach Park
 Charlevoix, Michigan

Phasing Plan

March 2, 2018



Next Steps

- Document results of today's discussion
- Revise Draft Plan into Final Consensus Plan
- Post Master Plan document on City website
- Submit DNR Grant Application by April 1



Thank You!

Please feel free to contact us at:

Suzie Fromson 269 408-6387
sfromson@edgewaterresources.com



City of Charlevoix

Michigan Beach Park

CHARLEVOIX CITY COUNCIL

All Other Actions and Requests

TITLE: Sale of Tanker Truck

DATE: March 19, 2018

PRESENTED BY: Mark L. Heydlauff, City Manager

BACKGROUND:

As we've partnered with Charlevoix Township for fire coverage over the past year, we have assessed the long-term need for some of our aging fire vehicles. Last month, I had an experienced diesel mechanic and Assistant Fire Chief of the Bronson Fire Department inspect our trucks and provide estimated resale values. Based on this information, we reached out to the Beaver Island Fire Department who was in need of a new(er) tanker truck. We have verbally agreed to sell tanker 5614, a 1999 GMC, for \$18,000.

Selling unused equipment like this will allow the Township Fire Department to effectively position equipment throughout the fire coverage area to maximize available space in relation to nearby personnel.

RECOMMENDATION:

Motion to authorize the City Manager to sell Tanker 5614 for \$18,000 to the Beaver Island Fire Department and make all necessary arrangements.

CHARLEVOIX CITY COUNCIL

All Other Actions and Requests

TITLE: EMS Management Consultation

DATE: March 19, 2018

PRESENTED BY: Mark L. Heydlauff, City Manager

BACKGROUND:

As our EMS Department continues moving forward, it seems like a good time to assess our standards of care, consider how they match industry standards, and look for ways to improve. Additionally, the service has always been built on part-time, paid on-call staff. Increasing licensing standards and scarcity of staff make this a more challenging proposition. I would recommend we look at the future of this service and consider the best method of operation.

To this end, I discussed our situation with Rehmann, our auditor, and they provided a proposal for management consultation of \$10,500-11,250 plus expenses.

I also obtained a proposal from the Center for Public Safety Management, a national consulting practice of the International City/County Management Association. They propose a fee of \$12,500 plus expenses. While they will have higher travel expenses, I believe their national experience and detailed background with EMS operations will provide greater value to us.

RECOMMENDATION:

Motion to authorize the City Manager to engage the services of the Center for Public Safety Management for a fee of \$12,500 plus expenses.

ATTACHMENTS:

- ▣ CPSM EMS Proposal

PROPOSAL FOR

COMPREHENSIVE ANALYSIS OF EMS SERVICES

CHARLEVOIX, MICHIGAN



FIRE OPERATIONS

CPSM[®]

CENTER FOR PUBLIC SAFETY MANAGEMENT, LLC
475 K STREET NW STE 702 • WASHINGTON, DC 20001
WWW.CPSM.US • 616-813-3782



Exclusive Provider of Public Safety Technical Services for
International City/County Management Association



Center for Public Safety Management, LLC

March 14, 2018

Mark Heydlauff
Charlevoix City Manager
210 State Street
Charlevoix, MI 49720

Dear Mr. Heydlauff,

The Center for Public Safety Management, LLC, the exclusive provider of public safety technical assistance for the International City/County Management Association, is pleased to submit this proposal for an analysis of EMS services for Charlevoix, MI. The CPSM approach is unique and more comprehensive than ordinary accreditation or competitor studies.

From our discussions, the EMS service responds to approximately 980 calls per year in the Charlevoix community, which has a population of approximately 2,600, five surrounding townships, and a large seasonal influx. Over the past year, there has been some change in the EMS Department which operates with paid, on-call staff. The department is overseen by a director who reports to Chief of Police Gerard Doan. He and Patty DeRosia, Charlevoix HR Assistant, have worked to make some changes to the department but the paid on-call nature of the department makes staffing and long-range planning a challenge. The community wants to make sure its department is living up to industry best practices and to account for all costs associated with the change in operational structure. CPSM will assess current practices, advise on improvements, and analyze other service provision methods like partnering with other agencies or contracting out all service.

Of particular interest to the community is the cost of providing service. Options that will be looked at by CPSM will be: keeping the service; contracting or joining other governmental EMS providers; contracting out all service.

The review by CPSM will include looking at the existing operation as well as options for the future.

In general, our analysis involves the following major outcomes:

- Perform gap analysis, comparing the "as is" state of the department to the best practices of industry standards;
- If kept under the current management structure, Recommend a framework to ensure accountability, increased efficiency and improved performance;
- Identify and recommend appropriate staffing and deployment levels for operational and support functions in the department. A challenge for Charlevoix and other Northern Michigan providers has been finding and retaining paramedics. CPSM will look at these options.

We are anticipating using department and dispatch center information on call processing times in lieu of a forensic analysis by our team of experts. A forensic analysis of call answering, call processing, turnout, response, transport, and time at medical facilities may be an option should the City look at contracting options. The forensic analysis would ensure that any contractor meet

or exceed stated objectives and any contracting option should include penalties for not achieving performance objectives. Our price for this portion of the project is stated in the proposal. As an option, should the community and five townships decide to provide the service through a contract, a forensic analysis establishing performance measures could be conducted by CPSM at an additional cost and would use components of the work proposed in this response.

This proposal is specifically designed to provide the local government with a thorough and unbiased analysis of emergency services in your community. We have developed a unique approach by combining the experience of dozens of subject matter experts in the areas of emergency services. The team assigned to the project will have hundreds of years of practical experience managing emergency service agencies, a record of research, academic, teaching and training, and professional publications, and extensive consulting experience completing hundreds of projects nation-wide. The team assembled for you will be true "subject matter experts" not research assistants or interns.

ICMA has provided direct services to local governments worldwide for almost 100 years, which has helped to improve the quality of life for millions of residents in the United States and abroad. I, along with my colleagues at CPSM, greatly appreciate this opportunity and would be pleased to address any comments you may have. You may contact me at 616-813-3782 or via email at twieczorek@cpsm.us. You may also contact Leonard Matarese, our Director of Research and Project Management at 716.969.1360 or via email at lmatarese@cpsm.us.

Sincerely,

A handwritten signature in blue ink, reading "Thomas J. Wieczorek".

Thomas J. Wieczorek
Director
Center for Public Safety Management. LLC

THE ASSOCIATION & THE COMPANY

International City/County Management Association (ICMA)

The International City/County Management Association (ICMA) is a 100 year old, non-profit professional association of local government administrators and managers, with approximately 9,000 members located in 32 countries.

Since its inception in 1914, ICMA has been dedicated to assisting local governments in providing services to its citizens in an efficient and effective manner. Our work spans all of the activities of local government – parks, libraries, recreation, public works, economic development, code enforcement, Brownfield's, public safety, etc.

ICMA advances the knowledge of local government best practices across a wide range of platforms including publications, research, training, and technical assistance. Our work includes both domestic and international activities in partnership with local, state and federal governments as well as private foundations. For example, it is involved in a major library research project funded by the Bill and Melinda Gates Foundation and provided community policing training in Panama working with the U.S. State Department. It has personnel in Afghanistan assisting with building wastewater treatment plants and has teams in Central America providing training in disaster relief working with SOUTHCOM.

The **ICMA Center for Public Safety Management (ICMA/CPSM)** was one of four Centers within the Information and Assistance Division of ICMA providing support to local governments in the areas of police, fire, EMS, Emergency Management and Homeland Security. In addition to providing technical assistance in these areas we also represent local governments at the federal level and are involved in numerous projects with the Department of Justice and the Department of Homeland Security. In each of these Centers, ICMA has selected to partner with nationally recognized individuals or companies to provide services that ICMA has previously provided directly. Doing so will provide a higher level of services, greater flexibility and reduced costs in meeting member's needs as ICMA will be expanding the services that ICMA can offer to local government is expanding. For example, The Center for Productivity Management (CPM) is now working exclusively with SAS, one of the world's leaders in data management and analysis. And the Center for Strategic Management (CSM) is now partnering with nationally recognized experts and academics in local government management and finance.

Center for Public Safety Management, LLC (CPSM) is now the exclusive provider of public safety technical assistance for ICMA and provides training and research for the Association's members and represents ICMA in its dealings with the federal government and other public safety professional associations such as CALEA and CPSE. The Center for Public Safety Management, LLC maintains the same team of individuals performing the same level of service that it has for the past nine years for ICMA.

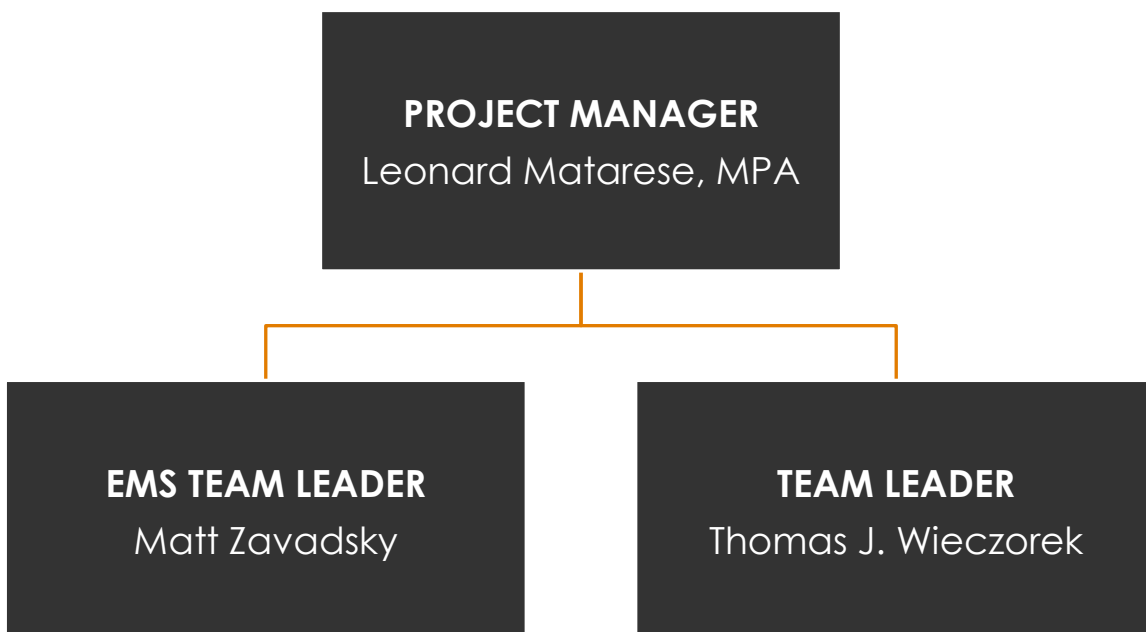
CPSM's local government technical assistance experience includes workload and deployment analysis, using our unique methodology and subject matter experts to examine department organizational structure and culture, identify workload and staffing needs as well as industry best practices. We have conducted over 295 such studies in 41 states and 211 communities ranging in size from 8,000 population Boone, IA to 800,000 population Indianapolis, IN.

Thomas Wieczorek is the Director of the Center for Public Safety Management. Leonard Matarese serves as the Director of Research & Program Development. Dr. Dov Chelst is the Director of Quantitative Analysis. Chief Michael Iacona is Senior Manager for Fire/EMS.

PROJECT STAFFING

The proposal will look at the EMS services of Charlevoix, Michigan and the surrounding five townships. For this project, the CPSM has assembled a premier team of experts from a variety of disciplines and from across the United States. The goal is to develop recommendations that will enable it to produce the outcomes necessary to provide critical emergency services consistent with the community's financial capabilities. The team will consist of a Project Manager, two Team Leaders and several senior public safety Subject Matter Experts selected from our team specifically to meet the needs of the community.

The management organizational chart for the project includes the following Key Team Members



PROJECT MANAGER

LEONARD A. MATARESE, MPA, ICMA-CM, IPMA-CP

Director of Research and Project Development, ICMA Center for Public Safety Management

BACKGROUND

Mr. Matarese is a specialist in public sector administration with particular expertise in public safety issues. He has 44 years' experience as a law enforcement officer, police chief, public safety director, city manager and major city Human Resources Commissioner. He was one of the original advisory board members and trainer for the first NIJ/ICMA Community Oriented Policing Project which has subsequently trained thousands of municipal practitioners on the techniques of the community policing philosophy over the past 18 years. He has managed several hundred studies of emergency services agencies with particular attention to matching staffing issues with calls for service workload.

Recognized as an innovator by his law enforcement colleagues he served as the Chairman of the SE Quadrant, Florida, Blue Lighting Strike Force, a 71 agency, U.S. Customs Service anti-terrorist and narcotics task force and also as president of the Miami-Dade County Police Chief's Association – one of America's largest regional police associations. He represents ICMA on national projects involving the United States Department of Homeland Security, The Department of Justice, Office of Community Policing and the Department of Justice, Office Bureau of Justice Assistance. He has also served as a project reviewer for the National Institute of Justice and is the subject matter expert on several ICMA / USAID police projects in Central America. As a public safety director he has managed fire / EMS systems including ALS transport. He was an early proponent of public access and police response with AEDs.

Mr. Matarese has presented before most major public administration organizations annual conferences on numerous occasions and was a keynote speaker at the 2011 annual PERF conference. He was a plenary speaker at the 2011 TAMSEC Homeland security conference in Linköping, Sweden and at the 2010 UN Habitat PPUD Conference in Barcelona, Spain.

He has a Master's degree in Public Administration and a Bachelor's degree in Political Science. He is a member of two national honor societies and has served as an adjunct faculty member for several universities. He holds the ICMA Credentialed Manager designation, as well as Certified Professional designation from the International Public Management Association-Human Resources. He also has extensive experience in labor management issues, particularly in police and fire departments. Mr. Matarese is a life member of the International Association of Chiefs of Police and of ICMA.

DATA ASSESSMENT TEAM

DOV CHELST, PH.D.

Director of Quantitative Analysis

BACKGROUND

Dr. Chelst is an expert in analyzing public safety department's workload and deployment. He manages the analysis of all public safety data for the Center. He is involved in all phases of The Center's studies from initial data collection, on-site review, large-scale dataset processing, statistical analysis, and designing data reports. To date, he has managed over 140 data analysis projects for city and county agencies ranging in population size from 8,000 to 800,000.

Dr. Chelst has a Ph.D. Mathematics from Rutgers University and a B.A. Magna Cum Laude in Mathematics and Physics from Yeshiva University. He has taught mathematics, physics and statistics, at the university level for 9 years. He has conducted research in complex analysis, mathematical physics, and wireless communication networks and has presented his academic research at local, national and international conferences, and participated in workshops across the country.

SENIOR PUBLIC SAFETY SUBJECT MATTER EXPERT

DAVID MARTIN, PH.D.

Senior Researcher in the Center for Urban Studies, Wayne State University

BACKGROUND

Dr. Martin specializes in public policy analysis and program evaluation. He has worked with several police departments to develop crime mapping and statistical analysis tools. In these projects he has developed automated crime analysis tools and real-time, dashboard-style performance indicator systems for police executive and command staff. Dr. Martin teaches statistics at Wayne State University. He is also the program evaluator for four Department of Justice Weed and Seed sites. He is an expert in the use of mapping technology to analyze calls for service workload and deployments.

SENIOR PUBLIC SAFETY DATA ANALYST

SARITA VASUDEVAN, M.S., M.S., MBA

BACKGROUND

Sarita Vasudevan specializes in data analysis and database design to analyze public safety agencies. Sarita has worked on over 45 projects for police and fire departments across the United States. Prior to CPSM, Sarita worked as a Vice President with the Corporate Technology group at Morgan Stanley, as a senior implementations consultant with the Global Solutions Delivery group at Ariba Inc. and as a Technical manager in the Consultancy Services group at Oracle Corporation.

Sarita Vasudevan has a M.S in Statistics from Rutgers University, a M.S. in IEOR from the University of California, Berkeley and an MBA from the Indian Institute of Management, Calcutta.

SENIOR PUBLIC SAFETY DATA ANALYST

PRISCILA MONACHESI, M.S., B.A.

BACKGROUND

Priscila Monachesi is a Senior Data Analyst with CPSM and has worked on over 40 data analysis projects for city and county public safety agencies. She has over ten years' experience as a Project Leader/Senior System Analyst in auto manufacturing and financial systems.

She has a M.S in Statistics from Montclair State University, a B.A. in Economics from Montclair State University, and a Technical Degree in Data Processing from Pontifícia Universidade Católica in Brazil.

OPERATIONS ASSESSMENT TEAM – EMS AND FIRE UNIT

Matt Zavadsky, B.A., M.S

BACKGROUND

Matt is the Chief Strategic Integration Officer at [MedStar Mobile Healthcare](#), the Public Utility Model EMS agency that provides exclusive emergency and non-emergency EMS and Mobile Integrated Healthcare services for Fort Worth and 14 other cities in North Texas. MedStar provides advanced life support ambulance service to 436 square miles and more than 936,000 residents and responds to over 140,000 calls a year with a fleet of 57 ambulances.

MedStar is a dual accredited, high performance, high value EMS system, providing advanced clinical care with high economic efficiency with no taxpayer subsidy and is one of the most recognized EMS agencies in America.

Coming to MedStar in 2008 as the Operations Director, Matt has helped guide the continued development and implementation of numerous innovative programs with healthcare partners that have transformed MedStar fully as a Mobile Integrated Healthcare (MIH) provider, including high utilizer, CHF readmission reduction, observational admission reduction, hospice revocation avoidance, 9-1-1 nurse triage programs and partnerships with home health agencies. He is also the co-author of the book "[Mobile Integrated Healthcare – Approach to Implementation](#)" published by Jones and Bartlett Publishing.

Matt has 37 years' experience in EMS and holds a Master's Degree in Health Service Administration with a Graduate Certificate in Health Care Data Management. He is a frequent speaker at national conferences and has done consulting in numerous EMS issues, specializing in mobile integrated healthcare, high performance EMS system operations, public/media relations, public policy, EMS economic models and EMS research.

Matt is the President-Elect of the National Association of EMTs and chairs their EMS Transformation Committee. He is also Adjunct Faculty for the University Of North Texas Health Science Center, Department of Health Management and Policy, as well as an appointed committee member to the Joint Commission's Home Care Professional and Technical Advisory Committee (PTAC) and the Lewin Group's Hospital Outpatient Quality Reporting (HOQR) Program Stroke and AMI Expert Work Group, developing metrics for use in value-based purchasing measures for emergency departments.

SENIOR MANAGER OF FIRE AND EMS

CHIEF MIKE IACONA, MPA (RET.)

Retired Fire Chief/Director Flagstaff Fire Department, Flagstaff Arizona; former Director and Fire Chief , Orange County, Florida Fire Rescue Department.

BACKGROUND

Chief Iacona has 38 years of fire service experience, with the last 17 years as Fire Chief. He currently serves as fire chief for the City of Flagstaff, Arizona and has held this position since 2002. Prior to this, he was the Director of Orange County Fire Rescue, Florida, which included oversight of the County's emergency management functions. In addition to duties associated with fire chief, he has served in various capacities, rising through the ranks from fire fighter/paramedic

to chief fire officer. Mike has led a fire training division, was the Chief of Operations, served as Emergency Manager in EOC Operations, was Chief Negotiator in multiple IAFF Contract deliberations. He has supervised the development of several fire master plans, was a volunteer fire fighter coordinator, led multiple fire code adoption processes, was in charge of personnel and payroll functions and implemented fire impact fees. He also has wildland fire experience, supervising a fuel management program, the adoption of a Wildland Interface Code, and the adoption of a Community Wildfire Protection Plan (CWPP).

Chief Iacona holds a Master's Degree in Public Administration and did his undergraduate work in Urban Planning at Florida Atlantic University, in Boca Raton, FL. He is a graduate of the National Fire Academy's Executive Fire Officer Program and attended The Program for Senior Executives in State and Local Government at the Harvard Kennedy School.

DIRECTOR, CENTER FOR PUBLIC SAFETY MANAGEMENT, LLC

THOMAS WIECZOREK

Retired City Manager Ionia, MI; former Executive Director Center for Public Safety Excellence

BACKGROUND

Thomas Wieczorek is an expert in fire and emergency medical services operations. He has served as a police officer, fire chief, director of public safety and city manager and is former Executive Director of the Center for Public Safety Excellence (formerly the Commission on Fire Accreditation International, Inc.). He has taught a number of programs at Grand Valley State University, the National Highway Traffic Safety Administration (NHTSA), and Grand Rapids Junior College. He has testified frequently for the Michigan Municipal League before the legislature and in several courts as an expert in the field of accident reconstruction and fire department management. He is the past-president of the Michigan Local Government Manager's Association; served as the vice-chairperson of the Commission on Fire Officer Designation; and serves as a representative of ICMA on the NFPA 1710 career committee.

He most recently worked with the National League of Cities and the Department of Homeland Security to create and deliver a program on emergency management for local officials titled, "Crisis Leadership for Local Government Officials." It has been presented in 43 states and has been assigned a course number by the DHS. He represents ICMA on the NFPA 1710 and 1730 Standards Committees and is a board member on the International Accreditation Service, a wholly owned subsidiary of the International Code Council.

He received the Mark E. Keane "Award for Excellence" in 2000 from the ICMA, the Association's highest award and was honored as City Manager of the Year (1999) and Person of the Year (2003) by the Rural Water Association of Michigan, and distinguished service by the Michigan Municipal League in 2005.

SENIOR ASSOCIATE

GERARD J. HOETMER, MPA

Retired Executive Director of Public Entity Risk Institute, Fairfax, Virginia

BACKGROUND

Gerry Hoetmer is an expert in fire services, emergency management, and risk management. He served as the founding executive director of the Public Entity Risk Institute, a nonprofit organization that provided training, technical assistance, and research on risk management issues for local government and other public and quasi-public organizations. During his tenure as executive director he was a member of the National Academy of Sciences Disaster Roundtable. Prior to his position as executive director at PERI, Mr. Hoetmer worked at ICMA for 19 years, most recently as the director of research and development. He has written extensively on local government emergency management, the fire service, code enforcement, and risk management issues.

Seminal works include the first report to Congress on fire master planning and the first edition of Emergency Management: Principles and Practices for Local Government. In addition to providing expert testimony before Congress and local arbitration boards on fire staffing and scheduling issues, Mr. Hoetmer represented ICMA on the NFPA 1500 Standard on Occupational Safety and Health; NFPA 1201, the Standard for Providing Emergency services to the Public; and the NFPA 1710, Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments. Mr. Hoetmer has developed and conducted training programs and seminars at FEMA's Emergency Management Institute and the National Fire Academy in Emmitsburg, Maryland.

He holds a Bachelors from the State University of New York, New Paltz and the Master of Public Administration degree from the University of Colorado at Denver.

SENIOR ASSOCIATE

CHIEF JOHN (JACK) BROWN (RET.), BA, MS, EFO

Director, Arlington County Office of Emergency Management, Retired Assistant Chief Fairfax County Fire & Rescue Department

BACKGROUND

Jack Brown's 40 year public safety career includes 29 years with the Fairfax County, Virginia Fire & Rescue Department, where he retired as Assistant Fire Chief of Operations. He served in a number of operational and staff positions, including the Office of the Fire Marshal where he attained NFPA certification as a Fire Inspector II and Fire Investigator. As an investigator, he conducted post fire and post blast investigations, assisting in the prosecution of offences involving arson and illegal explosives. He served as a Planning Section Chief and Task Force Leader for the Fairfax County Urban Search and Rescue Task Force (VA TF-1). He deployed to Nairobi, Kenya as Plans Chief in response to the 1998 embassy bombing and as Task Force Leader on a deployment to Taiwan in response to an earthquake in 1999.

Upon his retirement from Fairfax County in 2000, he became the Assistant Chief for the Loudoun County Department of Fire, Rescue and Emergency Management, where he led a team of firefighters to the Pentagon on 9/11 and assisted the Arlington County Fire Department as the

initial Planning Section Chief for the incident. Jack served as Planning Section Chief on a Northern Virginia multi-jurisdictional emergency management task force that reestablished the New Orleans Emergency Operations Center just after Hurricane Katrina. He retired from Loudoun County in 2006 to pursue a career in emergency management.

Brown retired from the Coast Guard Reserve as a Chief Warrant Officer 4, specializing in port safety and security, with 33 years of combined Army and Coast Guard Reserve service. After 9/11, he served on active duty for 47 months, including 15 months in the Middle East. He received the Bronze Star Medal for actions in Baghdad, Iraq while supporting combat operations during Operation Iraqi Freedom.

Brown holds a bachelor's degree in Fire Science Administration from the University of Maryland and a master's degree in Quality Systems Management from the National Graduate School, Falmouth, Massachusetts. He is a 1997 graduate of the National Fire Academy's Executive Fire Officer Program at the National Emergency Training Center, Emmitsburg, Maryland. He has been an adjunct professor at the Northern Virginia Community College and the University of the District of Columbia in the Fire Science curriculums. He is a graduate of the Executive Leadership Program in the Center for Homeland Defense and Security at the Naval Postgraduate School, Monterey, California.

SENIOR ASSOCIATE

CHIEF JOSEPH POZZO, MPA, CFO

Ret. Former Deputy Director, Volusia County Department of Public Protection; former Director and Fire Chief, Volusia County, Florida, former Fire Chief, Loudon County, Virginia, former Fire Chief Portsmouth, Virginia.

BACKGROUND

Chief Pozzo serves as the Senior Manager for Fire and EMS for the Center for Public Safety Management, LLC. Chief Pozzo enjoyed a thirty-four (34) year career in public service before joining the CPSM team. Chief Pozzo took a leave of absence in 2014 from the Center for Public Safety Management to assist the City of Port Orange, FL transition the fire department from the city's public safety administrative model. While in Port Orange, Chief Pozzo was responsible for the reformation of the fire department to include the operations and management of this career department that delivers fire, EMS first response, and emergency management services to over 56,000 citizens living within 27 square miles.

Chief Pozzo has served as the Deputy Director of the Department of Public Protection Volusia County, Florida, where he was responsible for the day-to-day operations of Fire, EMS, Emergency Management, Medical Examiner, Beach Safety, Corrections, and Animal Services. He was formerly Chief of the Volusia County Fire Services. This agency is a combination department providing fire suppression and EMS services with career firefighters and volunteer members. This agency operated out of 23 stations and the Daytona Beach International Airport.

Prior to Chief Pozzo's appointment in 2010 in Volusia County, he served as the Chief of the Loudoun County Department of Fire and Rescue. This agency is a combination fire and rescue system providing fire, rescue, and emergency management services to one of the fastest growing counties in the nation. The fire and rescue system during Chief Pozzo's tenure provided these services to over 275,000 permanent residents living in 520 square miles of diverse suburban and rural area located within the National Capital Region. Fire, Rescue and Emergency Management services were executed through 450+ career staff and over 1300 volunteer members operating out of nineteen stations.

Prior to his appointment with Loudoun County, Chief Pozzo served as Chief of the Portsmouth Fire, Rescue and Emergency Services Department. This agency is one of the oldest professional departments on the eastern seaboard and served over 95,000 residents during Chief Pozzo's tenure. Chief Pozzo also served in the City of Virginia Beach, Va. Fire Department for 19 years reaching the level of Battalion Chief prior to embarking on his career as a Fire Chief/Director.

He holds a Master of Public Administration degree from Troy University where he graduated with honors, a B.A. in Public Administration from Saint Leo University and several associate degrees including an AAS in Fire Science and Protective Services and numerous technical certifications. He holds the Chief Fire Officer Designation from the Center for Public Safety Excellence and has served as an Adjunct Instructor for the Virginia Department of Fire Programs.

ASSOCIATE

CHIEF PETER J. FINLEY, JR. (RET.), BA, EFO

Retired Chief of Department City of Vineland Fire Department and Winslow Township Fire Department. Past President NJ Career Fire Chiefs Association.

BACKGROUND

Pete Finley's 36 year career in the fire and emergency services includes 28 in a career capacity with several different fire departments. He has served as Chief of Department for two New Jersey Fire Departments, most recently the Winslow Township Fire Department where, significant among other accomplishments, he was responsible for the planning, establishment and initial deployment of the career component of the department as it transitioned from fully volunteer to combination status. Prior to that he served for more than 20 years with the City of Vineland Fire Department holding every operational rank (Firefighter, Fire Prevention Specialist, Captain, Deputy Chief, Fire Chief) including 4 ½ years as Chief of Department. In this position he initiated significant changes within the department including implementing numerous improved operational and safety initiatives, updating and modernizing equipment, providing the department's first ever formal officer training and development program, and, significantly increasing the capabilities of the regional hazardous materials and special operations response team. During his tenure the department received more than one million dollars in various grants. He formerly commanded the Vineland Rescue Squad gaining significant EMS operations and command experience, and, completing a complete overhaul of that organization's operations.

Chief Finley currently serves as an Adjunct Professor in the Fire Science Program at Camden County College. In addition, since his retirement, he has been involved in conducting numerous fire department operational readiness and organizational evaluations including several under the auspices of the United State Coast Guard related to domestic port security assessments. He has also been involved in the development and administration of a number of fire service promotional examinations and assessment processes.

Chief Finley received his Associate in Applied Science degree from Atlantic Community College in New Jersey, and, earned his Bachelor of Science degree in Fire Science/ Administration from the University of Maryland. He is a 2003 graduate of the National Fire Academy's Executive Fire Officer Program earning an Outstanding Research Award for his 2002 paper titled, "Residential Fire Alarm Systems: The Verification and Response Dilemma". He has earned more than two dozen state and national fire service certifications, most of them the highest level attainable. Chief Finley has been a member of a number of fire service organizations and served on numerous committees throughout his career. In 2008 and 2009 he served as President of the New Jersey Career Fire Chiefs Association, a professional association that represents and advocates

for the interests of the state's full time professional fire chiefs and the fire service in general. From 2003–2005 he was a member of the Training and Education Committee of the Governor's Fire Service and Safety Task Force.

PROJECT SCHEDULE

Milestone 1 – Full execution of the agreement

Agreement will identify Project Launch date.

Milestone 2 – Project Launch

We will conduct an interactive telephone conference with local government contacts. Our project leads will launch the project by clarifying and confirming expectations, detailing study parameters, identifying agency point of contacts and commencing information gathering.

Milestone 3 – Information Gathering – 30 Days

Immediately following project launch, the operations leads will deliver an information request to the department. This is an extensive request which provides us with a detailed understanding of the department's operations. Our experience is that it typically takes an agency several weeks to accumulate and digitize the information. We will provide instructions concerning uploading materials to our website. When necessary, the lead will hold a telephone conference to discuss items contained in the request. The team lead will review this material prior to an on-site visit.

Milestone 4 – Conduct On-Site Visit – 30 days

Subject matter experts will perform a site visit within 30 days of the information gathering.

Milestone 5 – Draft Operations Report – 30 days

Within 30 days of the last on-site visit, the operations team will provide a draft operations report to the department point of contact. Again the department will have 10 days to review and comment.

Milestone 7 – Final Report 15 days

Once the Department's comments and concerns are received by CPSM the combined final report will be delivered to the city within 15 days.

TOTAL ELAPSED TIME: 45 - 60 days

THE CPSM APPROACH – EMS

Operations Review

An operational assessment by CPSM technical experts will be conducted to evaluate the deployment of emergency resources.

The CPSM team will evaluate equipment, maintenance, records, policies, procedures, mapping, implemented technology and innovations, facilities, training, and staff to create recommendations for future service delivery.

The team may meet with elected and appointed officials as well as identified community leaders to determine the outcome they are seeking from deployment of resources.

Observations and recommendations will be developed around key performance and analysis areas in the completion of the report and include:

- Governance and Administration
 - Organizational Structure
 - Organizational Leadership
 - Staffing and Deployment
 - External Relationships
- Organizational Behavior/Management/Processes
 - Organizational Communication
 - Strategic Planning
 - Performance Measurement
- Financial Resources (Operating and Capital Resources)

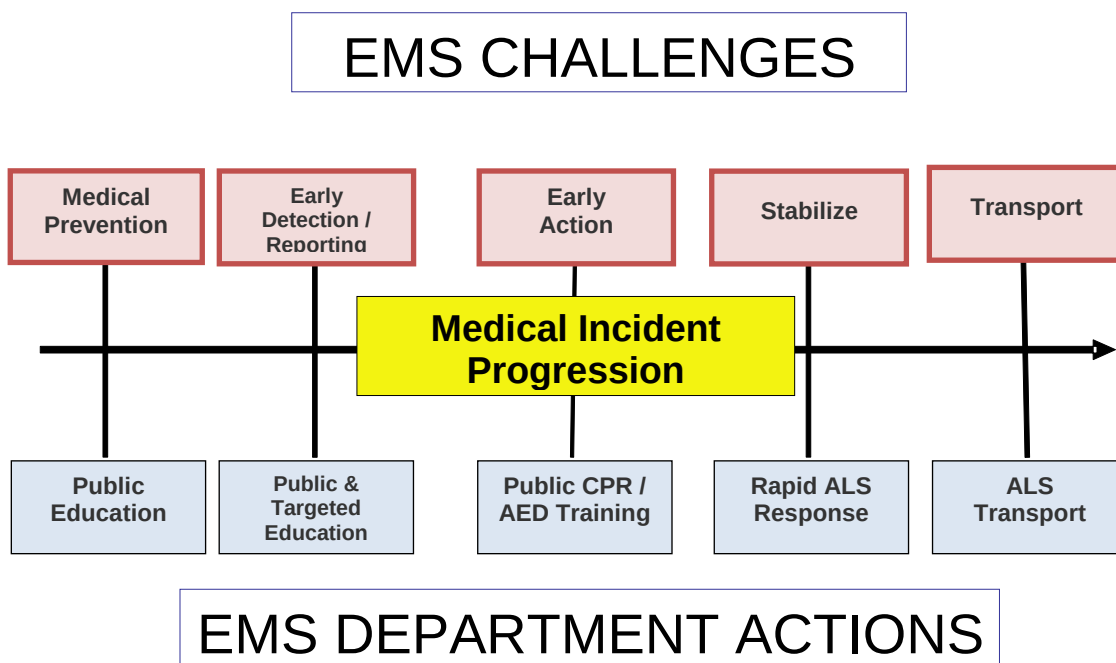
The CPSM data team has created a methodology for determining resource utilization that quantifies the maximum and minimum deployment of personnel and equipment. It is unlike any other approach currently used by consultants and is indicative of the desire by CPSM to deliver the right resources at the right time. The data analysis would not be part of this initial proposal but would be a recommended option for a second phase in order to develop performance metrics.

EMS

Emergency Medical Services

Departments provide emergency medical services in addition to fire suppression or other duties. We will also look at the level of EMS care being provided and evaluate the options and impacts of providing EMS care at the EMT, Intermediate or Paramedic levels.

Response time is an important statistic in emergency service systems. We will also identify and review calls that experienced unusually long response times.



PROPOSED FEES

The quotation of fees and compensation shall remain firm for a period of 90 days from this proposal submission.

CPSM will conduct the analysis of the EMS department as outlined in this proposal for \$12,500 exclusive of travel. The project would be billed in three installments: 40% within 14 days of signing the contract; 40% with delivery of the EMS draft report; 20% with delivery of the final report. Following delivery of the draft reports, the city will have 30 days to provide comments as to accuracy and a final report will be delivered within 30 days of the comment period.

Travel expenses will be billed as incurred, with no administrative fee or overhead charges.

Deliverables"

Draft reports for EMS will be provided for department review in electronic format.

In order to be ecologically friendly, CPSM will deliver the final report in computer readable material either by email or CD or both. The final reports will incorporate the operational as well as data analysis. Should the municipality desire additional copies of the report, CPSM will produce and deliver whatever number of copies the client request and will invoice the client at cost.

Should the City desire additional support or in-person presentation of findings, CPSM will assign staff for such meetings at a cost of \$2,000 per day/per meeting along with reimbursement of travel expenses.

CONCLUSION

Part of ICMA's mission is to assist local governments in achieving excellence through information and assistance. Following this mission, Center for Public Safety Management, LLC acts as a trusted advisor, assisting local governments in an objective manner. In particular, CPSM's experience in dealing with public safety issues combined with its background in performance measurement, achievement of efficiencies, and genuine community engagement, makes CPSM a unique and beneficial partner in dealing with issues such as those being presented in this proposal. We look forward to working with you further.

PAST & CURRENT ENGAGEMENTS

LOCALITY	STATE	PROJECT
Kenai	AK	Comprehensive Analysis of Fire Services
Auburn	AL	Comprehensive Analysis of Fire Services
Auburn	AL	Comprehensive Analysis of Police Services
Dothan	AL	Comprehensive Analysis of Police Services
Casa Grande	AZ	Comprehensive Analysis of Police Services
Florence	AZ	Comprehensive Analysis of Police Services
Lake Havasu	AZ	Comprehensive Analysis of Police Services
Lake Havasu	AZ	Comprehensive Analysis of Fire Services
Pinal County	AZ	Comprehensive Analysis of Sheriff's Office
Prescott	AZ	Comprehensive Analysis of Fire Services
Prescott	AZ	Comprehensive Analysis of Police Services
Queen Creek	AZ	Police Strategic Plan
Queen Creek	AZ	Comprehensive Analysis of Fire Services
Scottsdale	AZ	Comprehensive Analysis of Police Services
Tucson	AZ	Comprehensive Analysis of Police Services
Youngtown	AZ	Comprehensive Analysis of Police Services
Alameda	CA	Comprehensive Analysis of Police Services
Burbank	CA	Analysis of Investigations Workload / Staffing
Carlsbad	CA	Comprehensive Analysis of Police Services
El Centro	CA	Comprehensive Analysis of Police Services
Hermosa Beach	CA	Comprehensive Analysis of Fire services
Hermosa Beach	CA	Comprehensive Analysis of Police Services
Palm Desert	CA	Comprehensive Analysis of Fire Services
Palo Alto	CA	Comprehensive Analysis of Fire Services
Morgan Hill	CA	Comprehensive Analysis of Fire Services
Morgan Hill	CA	Comprehensive Analysis of Police Services
San Jose	CA	SWOT Analysis of Police and Fire Services
San Mateo Co.	CA	Dispatch Operations Review
Santa Ana	CA	Comprehensive Analysis of Police Services
Santa Clara	CA	Comprehensive Analysis of Police Services
Santa Monica	CA	Police Chief Selection
Sonoma County	CA	Performance Measurement Analysis
Stockton	CA	Comprehensive Analysis of Police Services
Stockton	CA	Comprehensive Analysis of Fire Services
Yuba City	CA	Comprehensive Analysis of Fire Services
Yuba City	CA	Comprehensive Analysis of Police Services
Federal Heights	CO	Comprehensive analysis of Police Services
Federal Heights	CO	Comprehensive analysis of Fire Services
Littleton	CO	Comprehensive Analysis of Fire Services
Steamboat Springs	CO	Comprehensive Analysis of Fire Services
Cheshire	CT	Police Management Review

Southington	CT	Comprehensive Analysis of Fire Services
Dover	CT	Comprehensive Analysis of Police Department
Dover	CT	Comprehensive Analysis of Fire Services
Alachua	FL	Expert Witness Law Enforcement Issues
BCCMA	FL	Analysis of Sheriff's Contract Services
Citrus County	FL	Comprehensive Analysis of Fire Services
Delray Beach	FL	Comprehensive Analysis of Police Services
Delray Beach	FL	Comprehensive Analysis of Fire Services
Dunedin	FL	Police Consolidation Review
Hollywood	FL	Police Internal Affairs Review
Indian River Shores	FL	Public Safety Staffing Analysis
Indian River Shores	FL	Public Safety Study
Jacksonville Beach	FL	Police Chief Selection
Jupiter	FL	Police and Fire
Jupiter Island	FL	Public Safety Consolidation
Kenneth	FL	Comprehensive Analysis of Police Services
Miami Beach	FL	Comprehensive analysis of Fire Services
North Port	FL	Comprehensive Analysis of Police Services
Pasco County	FL	Comprehensive analysis of Fire Services
Pompano Beach	FL	Comprehensive Analysis of Police Services
Venice	FL	Comprehensive Analysis of Fire Services
Camden County	GA	Comprehensive Analysis of Fire Services
Camden County	GA	Police Consolidation Study
Garden City	GA	Preliminary Analysis Public Safety Merger
Sandy Springs	GA	Comprehensive Analysis of Police Department
Johns Creek	GA	Analysis of Fire Services
Boone	IA	Public Safety Consolidation
Hayden	ID	Comprehensive Analysis of Police Services
Jerome	ID	Analysis of Police Services
Glenview	IL	Comprehensive Analysis of Police & Fire Services
Glenview	IL	Comprehensive Analysis of Police Services
Glenview	IL	Dispatch Operations Review
Highland	IL	Comprehensive Analysis of Fire Services
Highland Park	IL	Comprehensive Analysis of Fire Consolidation
Highwood	IL	Comprehensive Analysis of Fire Consolidation
Lake Bluff	IL	Analysis of Fire Consolidation
Lake Forest	IL	Analysis of Fire Consolidation
Lake Zurich	IL	Comprehensive Analysis of fire services
Naperville	IL	Police Department Staffing & Deployment Analysis
Western Springs	IL	Comprehensive Analysis of Police Services
Indianapolis	IN	Analysis of Police Workload & Deployment Services
Plainfield	IN	Comprehensive Analysis of Police Services
Topeka	KS	Preliminary review of Fire Department
Northborough	MA	Comprehensive Analysis of Police Services
Northborough	MA	Comprehensive Analysis of Fire Services
Algonquin	MD	Performance Measurement Study

Annapolis	MD	Comprehensive Analysis of Police Services
Ocean City	MD	Dispatch Operations Review
Ann Arbor	MI	Comprehensive Analysis of Fire Services
Auburn Hills	MI	Comprehensive Analysis of Fire Services
Auburn Hills	MI	Comprehensive Analysis of Police Services
Benton Harbor	MI	Public Safety Consolidation
Chesterfield Twp.	MI	Comprehensive Analysis of Police Services
Delta Township	MI	Comprehensive Analysis of Police Services
Delta Township	MI	Comprehensive Analysis of Fire Services
Detroit Public Schools	MI	Police Department Review
Douglas	MI	Comprehensive Analysis of Police Services
Flint	MI	Comprehensive Analysis of Fire Services
Flint	MI	Comprehensive Analysis of Police Services
Grand Rapids	MI	Comprehensive Analysis of Police Services
Grand Rapids	MI	Comprehensive Analysis of Fire Services
Grosse Pointe	MI	Public Safety Consolidation
Grosse Pointe Park	MI	Public Safety Consolidation
Kentwood	MI	Comprehensive Analysis of Police & Fire Services
Mott Community College	MI	Comprehensive Analysis of Public Safety Services
Novi	MI	Comprehensive Analysis of Police Services
Novi	MI	Comprehensive analysis of Fire Services
Oshtemo Township	MI	Police Workload / Contract for Services Analysis
Petoskey	MI	Public Safety Consolidation
Plymouth	MI	Fire Services Consolidation
Royal Oak	MI	Public Safety Consolidation
Saginaw	MI	Comprehensive Analysis of Police Services
Saginaw	MI	Comprehensive Analysis of Fire Services
So. Kalamazoo Fire Auth.	MI	Financial Analysis of Fire Authority
St. Joseph	MI	Public Safety Consolidation
Sturgis	MI	Public Safety Analysis
Mott College	MI	Comprehensive Analysis of Police Services
Troy	MI	Comprehensive Analysis of Police Services
Troy	MI	Review of Fire Administration and Inspections
Wyoming	MI	Comprehensive Analysis of Police Services 2012
Wyoming	MI	Comprehensive Analysis of Fire Services 2012
Wyoming	MI	Comprehensive Analysis of Police Services 2009
Wyoming	MI	Comprehensive Analysis of Fire Services 2009
Kentwood	MI	Analysis of Police Services Consolidation
Kentwood	MI	Analysis of Fire Services Consolidation
Mankato	MN	Public Safety Study
Moorhead	MN	Comprehensive Analysis of Fire Services
St. Cloud	MN	Police Strategic Planning Review
St. Cloud	MN	Comprehensive Analysis of Police Services
St. Louis	MO	Comprehensive Analysis of Fire Services
St. Louis	MO	Comprehensive Analysis of Police Services
St. Louis	MO	Standard of Response Cover and risk assessment

Bald Head Island	NC	Public Safety Consolidation
Chapel Hill	NC	Comprehensive Analysis of police services
Davidson	NC	Fire Consolidation Study
Greenville	NC	Comprehensive Analysis of Fire Services
Oxford	NC	Comprehensive Analysis of Fire Services
Oxford	NC	Comprehensive Analysis of Police Services
Rocky Mount	NC	AED Grant assistance
Rocky Mount	NC	Comprehensive Analysis of Police Services
Grand Island	NE	Comprehensive Analysis of Police Services
Grand Island	NE	Comprehensive Analysis of Fire Services
South Sioux City	NE	Fire Services Strategic Plan
East Brunswick	NJ	EMS Study
Oradell	NJ	Comprehensive Analysis of Police Services
Paterson	NJ	Comprehensive Analysis of Police Services
South Orange	NJ	Comprehensive Analysis of Police Services
Westwood	NJ	Comprehensive Analysis of Police Services
Ruidoso	NM	Comprehensive Analysis of Police Services
Bernalillo	NM	Comprehensive Analysis of Fire Services
Boulder City	NV	Police Organizational Study
Henderson	NV	Comprehensive Analysis of Police Services
Las Vegas	NV	Comprehensive Analysis of Fire Services
North Las Vegas	NV	Fire Workload Analysis
Garden City	NY	Comprehensive Analysis of Fire Services
Long Beach	NY	Comprehensive Analysis of Fire and EMS services
North Castle	NY	Comprehensive Analysis of Police Services
Oneonta	NY	Comprehensive Analysis of Fire and EMS services
Oneonta	NY	Fire Apparatus Review
Orchard Park	NY	Comprehensive Analysis of Police Services
Ossining	NY	Comprehensive Analysis of Police Services
Rye	NY	Police Chief Selection
Watertown	NY	Comprehensive Analysis of Fire Services
Cincinnati	OH	Police Dispatch Review
Huron	OH	Comprehensive Analysis of Police Services
Huron	OH	Comprehensive Analysis of Fire Services
Independence	OH	Comprehensive Analysis of Police Services
Independence	OH	Comprehensive Analysis of Fire Services
Sandusky	OH	Comprehensive Analysis of Police Services
Dayton	OH	Police Internal Affairs Review
Broken Arrow	OK	Comprehensive Analysis of Police Services
Broken Arrow	OK	Comprehensive Analysis of Fire Services
Edmond	OK	Comprehensive Analysis of Police Services
Jenks	OK	Comprehensive Analysis of Fire Services
Jenks	OK	Comprehensive Analysis of Police Services
Muskogee	OK	Comprehensive Analysis of Police Services
Tulsa	OK	Comprehensive Analysis of Fire Services
Bend	OR	Comprehensive Analysis of Police Services

Grants Pass	OR	Comprehensive Analysis of Fire Services
Grants Pass	OR	Comprehensive Analysis of Police Services
Grants Pass	OR	Public Safety Strategic Plan Development
Ontario	OR	Comprehensive Analysis of Police Services
Ontario	OR	Comprehensive Analysis of Fire Services
Cumru Township	PA	Police Chief Selection
Cumru Township	PA	Comprehensive Analysis of Police Services
Ephrata	PA	Comprehensive Analysis of Police Services
Farrell	PA	Comprehensive Analysis of Police Services
Lower Windsor Twp.	PA	Comprehensive Analysis of Police Services
Tredyffrin Township	PA	Comprehensive Analysis of Police Services
Jamestown	PA	Comprehensive Analysis of Police Services
East Providence	RI	Comprehensive Analysis of Fire Services
East Providence	RI	Expert Witness Fire Issues
Beaufort	SC	Comprehensive Analysis of Fire Services
Beaufort	SC	Comprehensive Analysis of Police Services
Walterboro	SC	Comprehensive Analysis of Public Safety Dept.
Germantown	TN	Comprehensive Analysis of Fire Services
Johnson City	TN	Comprehensive Analysis of Fire Services
Johnson City	TN	Comprehensive Analysis of Police Services
Smyrna	TN	Comprehensive Analysis of Police Services
Smyrna	TN	Comprehensive Analysis of Fire Services
Addison	TX	Comprehensive Analysis of Fire Services
Addison	TX	Comprehensive Analysis of Police Services
Baytown	TX	EMS Study
Belton	TX	Comprehensive Analysis of Police Services
Belton	TX	Comprehensive Analysis of Fire Services
Belton	TX	Police Chief Selection
Belton	TX	Fire Chief Selection
Cedar Park	TX	Comprehensive Analysis of Police Services
Conroe	TX	Fire Services Analysis and Standard of Response
Frisco	TX	Comprehensive Analysis of Fire Services
Highland Village	TX	Fire Review
Lucas	TX	Fire and EMS Analysis
Prosper	TX	Comprehensive Analysis of Police Services
Round Rock	TX	Comprehensive Analysis of Fire Services
Victoria	TX	Comprehensive Analysis of Police Services
Washington City	UT	Comprehensive Public Safety Analysis
Hampton	VA	Police Chief Selection
Loudoun County	VA	Comprehensive Analysis of Sheriff Services
Loudoun County	VA	Comprehensive Analysis of Fire Services
Lacey	WA	Comprehensive Analysis of Fire Services
Spokane Valley	WA	Comprehensive Analysis of Police Services
Vancouver	WA	Comprehensive Analysis of Police Services
Vancouver	WA	Police Chief Selection
Dunn County	WI	Comprehensive Analysis of Sheriff Department

Wauwatosa	WI	Comprehensive Analysis of Police Services
Wauwatosa	WI	Comprehensive Analysis of Fire Services
Jackson Hole	WY	Police Consolidation Review
Laramie	WY	Comprehensive Analysis of Police Services
Teton County	WY	Police Consolidation Review
Leduc, Canada	AB	Comprehensive Analysis of Fire Services.
Leduc County	AB	Fire Consolidation Plan

CHARLEVOIX CITY COUNCIL

Reports and Communications

TITLE: City Manager's Comments

DATE: March 19, 2018

PRESENTED BY: Mark L. Heydlauff, City Manager

BACKGROUND:

A. Reconstruction Progress

We are nearing the completion of the reconstruction work for two of the buildings affected by fire. This past week, contractors for Kathy Ackerman have been thawing portions of the alley behind her building and then installing utility lines to the buildings. This work should wrap up in the next couple of days. Also in the next couple of days similar work will begin in Van Pelt Alley behind Cherry Republic. The alley will be open to pedestrian traffic only for the time while thawing and construction occur.

Brick work continues on the north side of the Cherry Republic building and is expected to take 3-4 weeks. During this time, the east portion of Van Pelt Alley will be partially obstructed to give crews space to lay brick on the building..

B. Fire Suppression Incentive

Next month, we'll be bringing you a proposal to adopt a policy for the waiving of fees associated with tapping our water lines for sprinkler systems. While tap fees are minor in comparison to the cost to install a fire suppression system, it is a tangible incentive the City can offer to encourage their installation.

RECOMMENDATION: