



AGENDA
CITY OF CHARLEVOIX CITY COUNCIL REGULAR MEETING
Monday, April 2, 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 19, 2018
 - B. Accounts Payable and Payroll Check Registers
 - C. Resolution Appointing Mayor as Representative to the Michigan Township Participating Plan
- 6. Public Hearings and Actions Requiring Public Hearings**
- 7. All Other Actions and Requests**
 - A. Fire Suppression Fee Waiver Policy
Mark L. Heydlauff, City Manager
 - B. Park Avenue Traffic Discussion
Council Members Bryan, Oleksy, and Perron
- 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 19, 2018

DATE: April 2, 2018

RECOMMENDATION:

Motion to approve City Council minutes.

ATTACHMENTS:

- ▣ Council minutes

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, March 19, 2018 – 6:00 p.m.
Council Chambers, 210 State Street, Charlevoix, MI

The meeting was called to order at 6:00 p.m. by Mayor Luther Kurtz.

1. Pledge of Allegiance

2. Roll Call

Mayor: Luther Kurtz
Members Present: Greg Bryan, Shane Cole, Aaron Hagen, Janet Kalbfell, Tom Oleksy, Leon Perron
Members Absent: None
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 – March 5, 2018
- B. Accounts Payable and Payroll Check Registers
 - a. Regular Accounts Payable Check Register – March 20, 2018
 - b. ACH Payments – March 5, 2018 to March 12, 2018
 - c. Payroll Check Register – March 9, 2018
 - d. Payroll Transmittal – March 9, 2018
 - e. Tax Disbursement – March 20, 2018
- C. Paramedic Job Description (FT) – Approve new job description
- D. Administrative Assistant (Electric/DPW) Job Description Revision – Approve revised job description

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

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

Nays: None

6. Public Hearings & Actions Requiring Public Hearings

A. Public Hearing 787 Prohibited Swimming Ordinance

City Manager Heydlauff stated that 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.

Mayor Kurtz opened the public hearing at 6:01 p.m. for all six Ordinances. He asked for public comments and there were none.

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: Cole
Seconded by: Oleksy
Yeas: Kalbfell, Bryan, Hagen, Perron, Oleksy, Cole
Nays: None
Absent: None

State of Michigan)
) §
City of Charlevoix)

B. Public Hearing 788 Cross Connection Ordinance

DPW Superintendent Elliott stated that the City of Charlevoix is required by the Michigan Department of Environmental Quality (MDEQ) to have a cross connection control ordinance and a cross connection control program. 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 situation. The reason for modifying our current ordinance is to include the residential end of cross connection. He stated that City staff will embark on an educational campaign explaining to the public what cross connection is and why it is important to implement the residential portion.

Mayor Kurtz asked for public comments and there were none.

**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 s 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.

(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.

SECTION 5. 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 6. Effective Date.

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

Ordinance No. 788 was adopted on the 19th day of March, 2018 A.D., by the Charlevoix City Council as follows:

Motion by: Kalbfell
Seconded by: Perron
Yeas: Kalbfell, Bryan, Hagen, Perron, Oleksy, Cole
Nays: None
Absent: None

State of Michigan)
) §
City of Charlevoix)

C. Public Hearing 789 Sign Ordinance

Staff Planner Lucas stated that after extensive work on the Sign Ordinance, the Planning Commission submitted their draft to the City Attorney for his review and 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. She stated the Commission intended that banners would require a sign permit and not need the Zoning Administrator's approval. Council concurred on this minor change.

Mayor Kurtz asked for public comments and there were none.

**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-wayline.

(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?
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	<i>Electronic</i>	<i>Max 18 sf</i>	<i>Max 16 ft</i>	<i>See Section 5.104(1)</i>	<i>Min set back 4 ft from ROW</i>	Yes
	<i>Service Bay</i>	<i>Max 4 sf</i>	<i>Min 8 ft Max 12 ft</i>	<i>Max 1 per service bay</i>	<i>See Section 5.104 (1)</i>	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 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	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
	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

Zoning District	Sign Type	Max Sign Face Area	Max Height	Max. Number	Location	Permit Required?
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: Oleksy
Seconded by: Hagen
Yeas: Kalbfell, Bryan, Hagen, Perron, Oleksy, Cole
Nays: None
Absent: None

State of Michigan)
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City of Charlevoix)

D. Public Hearing 790 Nuisance Ordinance

Staff Planner Lucas stated that the Planning Commission approved the final draft of the Nuisance Ordinance changes at their January 12th meeting.

Mayor Kurtz asked for public comments and there were none.

**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.

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: Kalbfell
Seconded by: Cole
Yeas: Kalbfell, Bryan, Hagen, Perron, Oleksy, Cole
Nays: None
Absent: None

State of Michigan)
) §
City of Charlevoix)

E. Public Hearing 791 General Zoning Ordinance Changes

Staff Planner Lucas stated that the Planning Commission approved the final draft of general Zoning Ordinance changes at their January 12th meeting.

Mayor Kurtz suggested a one foot set back from the property line in lieu of two feet for retaining walls. Council discussed and then concurred to amend the regulation to one foot from the property line to be consistent with fences.

Mayor Kurtz asked for public comments:

- Bob Timms, was in favor of having a retaining wall right up to the sidewalk.

- Rick Wertz expressed concern regarding potential safety hazards to young bicyclists using the sidewalk. The item was closed to the public.

**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. 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.

- Upland Dredging.** Removing material from above the ordinary high water mark in order to allow for water body access.
- 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 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.

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:

- shall not be permitted on Lake Michigan or Lake Charlevoix;
- 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;
- 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;
- 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;
- shall be located at least ten (10) feet from **side lot lines**; no **rear yard setback** required;
- Boathouses shall not exceed a building footprint (length x width) of two thousand (2,000) square feet in area, exclusive of eaves;
- shall not contain sleeping quarters, kitchens or bathrooms;
- 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)
- 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):

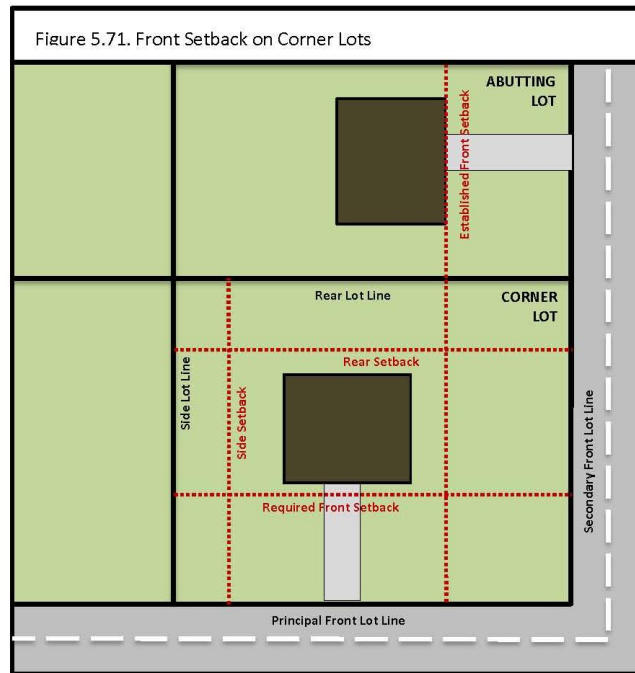
Section 5.65 Fences and Walls

- (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 one (1) foot.
 - (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:

Buffer Type	Minimum Width	Minimum Requirements	Intensity
1	10 feet	Two (2) canopy trees , plus one (1) evergreen tree or one (1) ornamental tree , plus twelve (12) shrubs , for each fifty (50) linear feet of buffer area	Most Intense
2	10 feet	One (1) canopy tree , plus one (1) evergreen tree or one (1) ornamental tree , plus eight (8) shrubs , for each fifty (50) linear feet of buffer area	
3	10 feet	One (1) canopy tree or one (1) evergreen tree plus 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: Bryan
Seconded by: Cole

Yeas: Kalbfell, Bryan, Hagen, Perron, Oleksy, Cole
Nays: None
Absent: None

State of Michigan)
) §
City of Charlevoix)

F. Public Hearing 792 Solid Waste Ordinance

Staff Planner Lucas stated that 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 recommended adoption of a new ordinance that will allow the City to implement a single-hauler residential waste collection system.

Staff Planner Lucas answered several questions from Council and explained that the Ordinance allows for a single-hauler system but this system was not mandatory if the results from the request for proposal were unacceptable. Perron was not in favor and felt the City didn't have a problem with the current refuse collection system.

Mayor Kurtz asked for public comments:

- Rick Wertz felt there should be a limit of how much waste could be placed in front of a residence. He also felt that the current system has been abused by contractors putting building debris at the street.

The item was closed to the public.

**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 humus-like 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, high-grade 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 one month after the effective date of the contract between the City and the Designated Waste Hauler, 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: Hagen

Seconded by: Kalbfell

Yeas: Kalbfell, Bryan, Hagen, Oleksy

Nays: Perron, Cole

Absent: None

State of Michigan)
) §
City of Charlevoix)

The six public hearings were closed at 6:55 p.m.

7. All Other Actions & Requests

A. Charlevoix Certified Local Government Application & Resolution

Main Street Director Dotson stated that the Michigan Main Street/Michigan Economic Development Corporation 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. Ms. Flores explained how the partnership would work.

Mayor Kurtz opened the item to public comment. There was no comment and the item was closed.

Motion by Perron, second by Kalbfell, to approve Resolution 2018-03-01 as presented

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 yea and nay vote:

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

Nays: None

B. Public Service Facility: LEED Building Design

Amanda Porath, OHM Advisors, recalled 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. Kevin Koets, Project Architect, provided Council more details on this aspect of the design and answered questions. Mr. Koets explained that obtaining LEED certification would cost approximately \$200,000, return on investment would be 15-20 years, building timeline would be extended 3-6 months, and additional construction costs for LEED would be 20-25%. He recommended LEED for the office area only. Ms. Porath recalled that the current design contract specifies including green building principles.

Mayor Kurtz opened the item to public comment:

- Bob Timms was not in favor and felt we didn't need a LEED plaque on the wall.

The item was closed to the public.

After discussion, Council agreed to not pursue LEED certification due to the cost, but employ green building principles where appropriate.

C. Replace Marina Pedestals

Electric Superintendent Swem stated that Electric Shock Drowning is a hazard at all fresh water marinas. In order to increase safety, Wilmot Electric provided a proposal for changing out the pedestals at the Marina and replacing them with new Ground Fault Pedestals for a lump sum of \$87,117. He felt this price was reasonable considering the equipment and installation work required for a complete system. The system would be installed prior to the 2018 boating season.

Mayor Kurtz opened the item to public comment. There was no comment and the item was closed.

Motion by Cole, second by Kalbfell, 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.

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

Nays: None

D. Golf Course Tree Removal

Golf Director Heid stated that a large scale tree removal project at the Golf Course was put out to bid. This proposal is the first phase of a forest management process. Drost, Petoskey, was low bid at \$21,850. However, Northern Sawmills, Charlevoix, bid \$50 more. He stated that Northern Sawmills is within the consideration of the Local Bidder Preference Guidelines established by Council but, given our frequent work with Drost and their experience with local golf courses, he recommended the low bid. Golf Director Heid stated that his time was spread "pretty thin" and he would not have to spend much time with Drost during the project.

After discussion, Council was in favor of awarding the contract to the local contractor Northern Sawmills.

Mayor Kurtz opened the item to public comment. There was no comment and the item was closed.

Motion by Hagen, second by Oleksy, to award the tree removal bid for \$21,900 to Northern Sawmills.

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

Nays: None

E. MDNR Grant Application: Lake Michigan Beach Park Trail

City Manager Heydlauff recalled that 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. He noted that 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. He stated that 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.

Mayor Kurtz opened the item to public comment.

- Bob Timms questioned whether this would dictate where the trail would be. City Manager Heydlauff explained that approving this resolution would potentially secure grant funding only and the final decision on the park design would be forthcoming.

The item was closed to the public.

Motion by Kalbfell, second by Perron, 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.

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

Nays: None

F. Sale of Tanker Truck

City Manager Heydlauff stated that 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. After a mechanical inspection of the surplus tanker truck, Staff reached out to the Beaver Island Fire Department who was in need of a newer tanker truck. We have verbally agreed to sell tanker 5614, a 1999 GMC, for \$18,000.

Mayor Kurtz opened the item to public comment. There was no comment and the item was closed.

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

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

Nays: None

G. EMS Management Consultation

City Manager Heydlauff stated that as our EMS Department continues moving forward, it seemed 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. He suggested that we look at the future of this service and consider the best method of operation. To this end, City Manager Heydlauff recommended a proposal from the Center for Public Safety Management, a national consulting practice of the International City/County Management Association with national experience and detailed EMS operations background.

Mayor Kurtz opened the item to public comment. There was no comment and the item was closed.

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

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

Nays: None

8. Reports & Communications

A. Public Comment

B. City Manager Comments

City Manager Heydlauff reported on the following:

- MDOT will be performing bridge work during the next two weeks; no detours are expected
- Letters have been sent to our representatives regarding the damage to the pier which has not been addressed by the Army Corps of Engineers
- NLEA luncheon is on May 11 at Boyne Mountain
- Proposal is forthcoming to waive tap fees to encourage the installation of fire suppression systems

C. Mayor & Council Comments

9. Other Council Business

10. Adjourn

The Mayor adjourned the meeting at 7:54 p.m.

Joyce M. Golding

City Clerk

Luther Kurtz

Mayor

Regular Accounts Payable – 03/20/2018

ACCESS LOCKSMITHING INC	1,596.50	KSS ENTERPRISES	368.74
ACE HARDWARE	969.48	LAKEVIEW MAINTENANCE INC.	643.50
ALL-PHASE ELECTRIC SUPPLY CO.	752.09	MAYER, SHELLEY L.	227.08
AMERICAN WASTE INC.	3,055.56	MCCARDEL CULLIGAN-PETOSKEY	50.00
AUTO VALUE	1,139.80	MICHIGAN OFFICEWAYS INC	2,106.77
AVFUEL CORPORATION	22,542.87	MINE SAFETY APPLIANCES CO. LLC	1,037.20
AVSURANCE CORPORATION	4,295.00	MUNSON HEALTHCARE CVX HOSPITAL	55.40
B & L SOUND INC	126.95	NATIONAL MAIN STREET CENTER	350.00
BAKER COLLEGE OF CADILLAC	45.00	NORTHERN CREDIT BUREAU	201.31
BALLARD'S	208.00	NORTHERN LAKES	200.00
BEAVER RESEARCH COMPANY	143.52	NORTHERN MICHIGAN REVIEW INC.	1,803.97
BELL EQUIPMENT COMPANY	3,119.42	OLD DOMINION BRUSH	562.67
BOLESKY, JEANNIE	31.06	OLSON BZDOK & HOWARD	2,343.70
BRADFORD'S	71.25	O'REILLY AUTOMOTIVE INC	4.08
BREWER, JOHN	270.00	PARASTAR INC.	1,196.26
CARQUEST OF CHARLEVOIX	867.44	PHYSIO-CONTROL INC.	417.84
CENTRAL DRUG STORE	54.80	PLUNKETT & COONEY	1,902.86
CHARLEVOIX GLASS INC.	100.00	POSTAL PRODUCTS UNLIMITED INC	1,867.11
CHARLEVOIX TOWNSHIP	33,099.25	POWER LINE SUPPLY	5,390.26
CHARTER COMMUNICATIONS	1,072.11	PURITY CYLINDER GASES INC	102.83
CINTAS CORPORATION	120.15	RANGE TELECOMMUNICATIONS	114.00
CITY OF CHARLEVOIX - UTILITIES	43,256.17	RIETH-RILEY CONST CO INC	1,677.57
COLORADO CHALLENGE	3,000.00	RS&H MICHIGAN INC	12,450.00
CONSUMERS ENERGY	1,500.00	S&W HEALTHCARE CORPORATION	249.70
DITCH WITCH SALES OF MICHIGAN	9,256.73	SCHELLER, BLAKE	50.00
ECONOMY GARAGE LLC	500.00	SHABBY GIRLS	28.61
EJ USA INC.	2,051.10	SHORELINE POWER SERVICES INC.	7,393.30
ELLSWORTH FARMER'S EXCHANGE	18.00	SULLIVAN, LAWRENCE R	3,800.00
ETNA SUPPLY	1,516.20	SYSTEMS SPECIALISTS INC	4,757.50
FASTENAL COMPANY	165.42	TERMINAL SUPPLY CO	160.72
FLAGPOLES ETC INC	98.00	THE BANK OF NEW YORK MELLON N.A.	493,433.39
FREEDOM MAILING SERVICES INC.	2,320.50	THOMAS ELECTRICAL SERVICES LLC	327.09
GRAND TRAVERSE DIESEL INC.	394.10	U S BANK	134,400.00
GRAND TRAVERSE GARAGE DOOR	942.95	UNIFIRST CORPORATION	467.28
HACH COMPANY	2,055.19	USA BLUE BOOK	349.03
HEALTH DEPT OF NW MICHIGAN	830.00	VILLAGE GRAPHICS INC.	2,244.40
HERZOG ELECTRIC	82.40	WAY, KRISTINA	49.50
HYDRO CORP	530.00	WOLTERS KLUWER LAW & BUSINESS	591.89
IMMONEN, PAT	30.00	WORK & PLAY SHOP	2,251.82
KISH, TIM	329.92	XYLEM WATER SOLUTIONS USA INC	6,536.70
KMart	51.94		
KOORSEN FIRE & SECURITY	265.97	TOTAL	835,038.92

ACH Payments – 03/05/2018 to 03/12/2018

MI PUBLIC POWER AGENCY	14,306.71	VANTAGEPOINT (457 ICMA PLAN)	13,426.15
PAYMENT SERVICE NETWORK	233.70	VANTAGEPOINT (ROTH IRA)	1,186.53
IRS (PAYROLL TAX DEPOSIT)	30,903.15	STATE OF MI (SALES TAX)	23,936.75
ALERUS FINANCIAL (HCSP)	400.00	MI PUBLIC POWER AGENCY	11,988.58
STATE OF MI (WITHHOLDING TAX)	4,752.05		
VANTAGEPOINT (401 ICMA PLAN)	742.50	TOTAL	101,876.12

Payroll Net Pay – Pay Period Ending 03/03/2018 (Paid 03/09/2018)

HEYDLAUFF, MARK L.	2,648.97	MATELSKI, RYAN G.	998.48
GOLDING, JOYCE M.	1,911.02	WURST, RANDALL W.	1,113.73
DEROSIA, PATRICIA E.	1,139.36	MAYER, SHELLEY L.	1,645.69
DOTSON, LINDSEY J.	1,477.97	HILLING, NICHOLAS A.	1,542.71
LOY, EVELYN R.	1,086.31	MEIER III, CHARLES A.	628.75
KLOOSTER, ALIDA K.	1,985.43	ZACHARIAS, STEVEN B.	1,207.46
GOLOVICH, KAREN J.	969.63	NEWMAN, MARK J.	718.80
SPENCLEY, PATRICIA L.	1,033.43	SWEM, DONALD L.	1,928.82
MILLER, FAITH G.	21.06	EATON, BRAD A.	1,867.48
MCGINN, KELLY A.	1,653.10	WILSON, TIMOTHY J.	2,322.75
JOLLETTE, MELISSA N.	211.94	LAVOIE, RICHARD L.	1,678.25
DOAN, GERARD P.	1,650.59	STEVENS, BRANDON C.	2,030.08
SCHLAPPI, JAMES L.	928.96	DRAVES, MARTIN J.	1,638.93
UMULIS, MATTHEW T.	1,232.76	BROWN, STEPHANIE C.	1,040.30
HANKINS, SCOTT A.	1,557.26	ANDERSON, ELIZABETH A.	1,132.69
ORBAN, BARBARA K.	1,165.05	ELLIOTT, PATRICK M.	2,056.97
WILLIAMS, ASHLEY M.	1,201.42	SCHWARTZFISHER, JOSEPH L.	1,038.56
FLICKEMA, ANDREW M.	1,733.05	BRADLEY, KELLY R.	1,275.65
MATELSKI, KIMBERLY A.	1,213.17	HART II, DELBERT W.	1,528.51
RILEY, DENISE M.	448.66	JONES, ROBERT F.	1,104.07

DORAN, JUSTIN J.	1,696.84	HASTINGS, MICHAEL A.	383.64
FARRELL, MITCHELL L.	1,596.45	TRAVERS, MANUEL J.	2,297.76
KIRINOVIC, THOMAS F.	545.35	STEVENS, JEFFREY W.	980.83
MILAN, JANE E.	74.81	RILEY, CASEY W.	478.00
BOSS, SHERRY M.	678.68	JONES, LARRY M.	747.63
BRADLEY, JOHN P.	253.22	WILLSON, BRENDA R.	1,130.30
DIXON, MIKAYA S.	105.72	BEAN, PETER J.	844.00
NIMPHIE, NOAH J.D.	270.84	FENNEL, DREW M.	745.37
PORATH, JACOB P.	217.98	MCCALIB, RACHELLE L.	953.77
WHITLEY, NICHOLAS J.	229.06	MCMULLEN, DONALD R.	3,343.55
HAGEN, MADISON L.	221.64	MC FARLAND, JONATHAN A.	557.80
CRANDELL, ZACKARY R.	308.91	SILVA, JESSE L.A.	191.39
WHITE III, MARCUS W.	52.86	SEHL, JENNA R.	160.28
SAYWARD, MADISON E.	318.81	RILEY, DANIEL A.	1,666.47
BERTINELLI, DAVID P.	484.54	WHITLEY, ANDREW T.	1,623.54
NIMPHIE, MASON K.D.	248.53	MORRISON, KEVIN P.	1,302.09
BOSS, BEAU J.	876.72	JOHNSON, STEVEN P.	1,185.06
DVORACEK, HAYDEN R.	431.91	BOSS JR, DALE E.	1,235.16
HEID, THOMAS J.	1,285.80	MATTER, DAWSON K.	38.76
VANLOO, JOSEPH G.	566.61	HOLM, ARTHUR R.	976.16
WYMAN, MATTHEW A.	1,459.47		
BOSS, RYDER S.	380.70		
MILLER, WILLIAM S.	1,505.31	TOTAL	88,850.91
DOUGLAS, MARK	430.77		

Payroll Transmittal – 03/09/2018

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
BARRY COUNTY TRIAL COURT	20.00	POLICE OFFICERS LABOR COUNCIL	201.00
CHAR EM UNITED WAY	52.00	PRIORITY HEALTH	1,747.73
CHARLEVOIX STATE BANK	2,085.77	TOTAL	6,288.65

Tax Disbursement – 03/20/2018

CHARLEVOIX COUNTY TREASURER	1,156.51	CHARLEVOIX PUBLIC SCHOOLS	167.50
CHARLEVOIX COUNTY TREASURER	7,449.46	CITY OF CHARLEVOIX - TAXES DUE	5,404.98
CHARLEVOIX DISTRICT LIBRARY	2,165.90	RECREATIONAL AUTHORITY	406.15
CHARLEVOIX PUBLIC SCHOOLS	59.37	STATE OF MICHIGAN	2,993.69
CHARLEVOIX PUBLIC SCHOOLS	837.74	WANEK, THOMAS	9.59
CHARLEVOIX PUBLIC SCHOOLS	167.50	TOTAL	20,818.39

CHARLEVOIX CITY COUNCIL

Consent Agenda

TITLE: Accounts Payable and Payroll Check Registers

DATE: April 2, 2018

ATTACHMENTS:

- ▣ Accounts Payable and Payroll Check Registers

Check Number	Payee	Amount
03/22/2018		
123061	AT&T	2,809.98
123062	AT&T LONG DISTANCE	88.14
123063	AT&T MOBILITY	89.03
123064	CHARLEVOIX STATE BANK	8,986.21
123065	DELTA DENTAL	3,622.02
123066	GREAT LAKES ENERGY	242.75
123067	METLIFE SMALL BUSINESS CENTER	721.72
123068	PRIORITY HEALTH	45,826.50
123069	VERIZON WIRELESS	56.72
123070	VISION SERVICE PLAN	509.51
Total 03/22/2018:		62,952.58
Grand Totals:		62,952.58

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

03/22/18 Special Accounts Payable Run	\$	62,952.58
03/23/18 Payroll (net pay)	\$	88,203.14
03/23/18 Payroll Transmittal Checks	\$	6,196.00
04/03/18 Regular Accounts Payable	\$	155,634.03
Checks Sub-Total:	\$	312,985.75

HUNTINGTON NATIONAL BANK - ACH/WIRE PAYMENTS

03/15/18 DTE Energy	\$	9,659.93
03/19/18 MI Public Power Agency	\$	31,965.24
03/23/18 IRS (Payroll Tax Deposit)	\$	30,241.50
03/23/18 Alerus Financial (HCSP)	\$	400.00
03/23/18 State of MI (Withholding Tax)	\$	4,666.23
03/23/18 Vantagepoint (401 ICMA Plan)	\$	742.50
03/23/18 Vantagepoint (457 ICMA Plan)	\$	13,628.34
03/23/18 Vantagepoint (Roth IRA)	\$	1,186.53
03/23/18 MERS Defined Benefit Plan	\$	30,505.33
03/26/18 MI Public Power Agency	\$	16,085.76
03/26/18 MI Public Power Agency	\$	201,757.28
03/27/18 MERS Defined Benefit Plan	\$	120,000.00
ACH Sub-Total:	\$	460,838.64

Huntington National Bank Total: \$ 773,824.39

CHARLEVOIX STATE BANK - CHECKS ISSUED

(PROPERTY TAX DISBURSEMENT TO VARIOUS TAXING AUTHORITIES)		
04/03/18 Tax Disbursement	\$	602.59
Charlevoix State Bank Total:	\$	602.59

Grand Total: \$ 774,426.98

APPROVED:


CITY MANAGER


CITY TREASURER


CITY CLERK

M = Manual Check, V = Void Check

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
03/17/2018	PC	03/23/2018	25334	HEYDLAUFF, MARK L.	102		2,358.07
03/17/2018	PC	03/23/2018	25335	GOLDING, JOYCE M.	106		1,547.18
03/17/2018	PC	03/23/2018	25336	DEROSIA, PATRICIA E.	107		963.87
03/17/2018	PC	03/23/2018	25337	DOTSON, LINDSEY J.	109		1,477.97
03/17/2018	PC	03/23/2018	25338	LOY, EVELYN R.	117		1,086.31
03/17/2018	PC	03/23/2018	25339	KLOOSTER, ALIDA K.	121		1,623.87
03/17/2018	PC	03/23/2018	25340	GOLOVICH, KAREN J.	122		969.62
03/17/2018	PC	03/23/2018	25341	SPENCLEY, PATRICIA L.	136		916.72
03/17/2018	PC	03/23/2018	25342	MCGINN, KELLY A.	146		1,653.10
03/17/2018	PC	03/23/2018	25343	JOLLETTE, MELISSA N.	149		182.85
03/17/2018	PC	03/23/2018	25344	DOAN, GERARD P.	201		1,650.59
03/17/2018	PC	03/23/2018	25345	SCHLAPPI, JAMES L.	204		1,110.80
03/17/2018	PC	03/23/2018	25346	UMULIS, MATTHEW T.	205		1,483.52
03/17/2018	PC	03/23/2018	25347	HANKINS, SCOTT A.	208		1,557.25
03/17/2018	PC	03/23/2018	25348	ORBAN, BARBARA K.	209		1,165.16
03/17/2018	PC	03/23/2018	25349	WILLIAMS, ASHLEY M.	210		1,231.86
03/17/2018	PC	03/23/2018	25350	FLICKEMA, ANDREW M.	211		1,598.87
03/17/2018	PC	03/23/2018	25351	MATELSKI, KIMBERLY A.	212		1,213.17
03/17/2018	PC	03/23/2018	25352	RILEY, DENISE M.	213		448.66
03/17/2018	PC	03/23/2018	25353	WURST, RANDALL W.	411		1,190.08
03/17/2018	PC	03/23/2018	25354	MAYER, SHELLEY L.	412		1,598.08
03/17/2018	PC	03/23/2018	25355	HILLING, NICHOLAS A.	413		1,498.11
03/17/2018	PC	03/23/2018	25356	MEIER III, CHARLES A.	421		1,350.52
03/17/2018	PC	03/23/2018	25357	ZACHARIAS, STEVEN B.	422		1,781.16
03/17/2018	PC	03/23/2018	25358	NEWMAN, MARK J.	424		914.53
03/17/2018	PC	03/23/2018	25359	SWEM, DONALD L.	512		1,928.82
03/17/2018	PC	03/23/2018	25360	EATON, BRAD A.	515		2,050.99
03/17/2018	PC	03/23/2018	25361	WILSON, TIMOTHY J.	516		2,331.90
03/17/2018	PC	03/23/2018	25362	LAVOIE, RICHARD L.	519		1,928.23
03/17/2018	PC	03/23/2018	25363	STEVENS, BRANDON C.	521		2,323.04
03/17/2018	PC	03/23/2018	25364	DRAVES, MARTIN J.	523		1,777.11
03/17/2018	PC	03/23/2018	25365	BROWN, STEPHANIE C.	524		1,040.30
03/17/2018	PC	03/23/2018	25366	ANDERSON, ELIZABETH	526		1,132.69
03/17/2018	PC	03/23/2018	25367	ELLIOTT, PATRICK M.	600		2,056.97
03/17/2018	PC	03/23/2018	25368	SCHWARTZFISHER, JOS	603		1,304.40
03/17/2018	PC	03/23/2018	25369	BRADLEY, KELLY R.	614		1,273.74
03/17/2018	PC	03/23/2018	25370	HART II, DELBERT W.	616		1,638.71
03/17/2018	PC	03/23/2018	25371	JONES, ROBERT F.	618		1,294.01
03/17/2018	PC	03/23/2018	25372	DORAN, JUSTIN J.	621		1,241.49
03/17/2018	PC	03/23/2018	25373	FARRELL, MITCHELL L.	622		1,313.74
03/17/2018	PC	03/23/2018	25374	KIRINOVIC, THOMAS F.	700		377.43
03/17/2018	PC	03/23/2018	25375	MILAN, JANE E.	711		68.57
03/17/2018	PC	03/23/2018	25376	ANZELL, BETH A.	712		726.44
03/17/2018	PC	03/23/2018	25377	BOSS, SHERRY M.	730		648.24
03/17/2018	PC	03/23/2018	25378	BRADLEY, JOHN P.	735		110.82
03/17/2018	PC	03/23/2018	25379	DIXON, MIKAYA S.	736		105.72
03/17/2018	PC	03/23/2018	25380	NIMPHIE, NOAH J.D.	737		110.82
03/17/2018	PC	03/23/2018	25381	PORATH, JACOB P.	741		217.98
03/17/2018	PC	03/23/2018	25382	WHITLEY, NICHOLAS J	742		88.10
03/17/2018	PC	03/23/2018	25383	HAGEN, MADISON L.	752		129.29
03/17/2018	PC	03/23/2018	25384	CRANDELL, ZACKARY R.	753		372.95
03/17/2018	PC	03/23/2018	25385	WHITE III, MARCUS W.	754		96.90
03/17/2018	PC	03/23/2018	25386	SAYWARD, MADISON E.	755		209.47
03/17/2018	PC	03/23/2018	25387	BERTINELLI, DAVID P.	764		264.30
03/17/2018	PC	03/23/2018	25388	NIMPHIE, MASON K.D.	776		105.72
03/17/2018	PC	03/23/2018	25389	BOSS, BEAU J.	788		876.72
03/17/2018	PC	03/23/2018	25390	DVORACEK, HAYDEN R.	793		450.65

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
03/17/2018	PC	03/23/2018	25391	HEID, THOMAS J	802		1,285.80
03/17/2018	PC	03/23/2018	25392	KUSINA, DENNIS W.	862		132.14
03/17/2018	PC	03/23/2018	25393	VANLOO, JOSEPH G.	902		633.71
03/17/2018	PC	03/23/2018	25394	WYMAN, MATTHEW A.	927		1,459.48
03/17/2018	PC	03/23/2018	25395	BOSS, RYDER S.	932		227.35
03/17/2018	PC	03/23/2018	25396	MILLER, WILLIAM S.	933		1,088.80
03/17/2018	PC	03/23/2018	25397	DOUGLAS, MARK	935		503.82
03/17/2018	PC	03/23/2018	25398	HASTINGS, MICHAEL A.	937		413.65
03/17/2018	PC	03/23/2018	25399	TRAVERS, MANUEL J.	1010		1,951.36
03/17/2018	PC	03/23/2018	25400	STEVENS, JEFFREY W.	1028		741.31
03/17/2018	PC	03/23/2018	25401	BIXBY, JAMES R.	1041		371.54
03/17/2018	PC	03/23/2018	25402	RILEY, CASEY W.	1052		246.61
03/17/2018	PC	03/23/2018	25403	JONES, LARRY M.	1057		985.70
03/17/2018	PC	03/23/2018	25404	FLORE, ROBERT A.	1058		569.60
03/17/2018	PC	03/23/2018	25405	WILLSON, BRENDA R.	1059		912.72
03/17/2018	PC	03/23/2018	25406	BEAN, PETER J.	1060		416.82
03/17/2018	PC	03/23/2018	25407	RILEY, REBECCA J.	1063		334.43
03/17/2018	PC	03/23/2018	25408	MCCALIB, RACHELLE L.	1066		1,110.72
03/17/2018	PC	03/23/2018	25409	MCMULLEN, DONALD R.	1067		3,331.73
03/17/2018	PC	03/23/2018	25410	MCFARLAND, JONATHAN	1071		387.46
03/17/2018	PC	03/23/2018	25411	SILVA, JESSE L.A.	1073		607.72
03/17/2018	PC	03/23/2018	25412	NEWINGTON, BENJAMIN	1084		240.07
03/17/2018	PC	03/23/2018	25413	SEHL, JENNA R.	1101		272.35
03/17/2018	PC	03/23/2018	25414	RILEY, DANIEL A.	1102		861.50
03/17/2018	PC	03/23/2018	25415	WHEELER, MICHAEL W.	1103		376.62
03/17/2018	PC	03/23/2018	25416	SNYDER, CORY G.	1104		221.59
03/17/2018	PC	03/23/2018	123043	TIMMS, ROBERT N	92		184.70
03/17/2018	PC	03/23/2018	123044	DIPERT, LEWIS K.	97		184.70
03/17/2018	PC	03/23/2018	123045	GERBER, SAMUEL A.	147		18.47
03/17/2018	PC	03/23/2018	123046	WHITLEY, ANDREW T.	522		1,582.67
03/17/2018	PC	03/23/2018	123047	MORRISON, KEVIN P.	601		1,043.18
03/17/2018	PC	03/23/2018	123048	JOHNSON, STEVEN P.	617		1,018.71
03/17/2018	PC	03/23/2018	123049	BOSS JR, DALE E.	701		1,235.16
03/17/2018	PC	03/23/2018	123050	MATTER, DAWSON K.	786		106.61
03/17/2018	PC	03/23/2018	123051	HOLM, ARTHUR R.	791		976.16
Grand Totals:			92				88,203.14



Report Criteria:

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

Pay Period Date	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
03/17/2018	03/23/2018	123052	4FRONT CREDIT UNION	9024	HSA-EMPLOYEE CONTRIB-4FR	628.84
03/17/2018	03/23/2018	123053	4FRONT CREDIT UNION	9028	Lump Sum Employer Contribution	1,061.00
03/17/2018	03/23/2018	123054	AMERICAN FAMILY LIFE	9011	AMERICAN FAMILY LIFE-POST	158.28
03/17/2018	03/23/2018	123054	AMERICAN FAMILY LIFE	9011	AMERICAN FAMILY LIFE-PRETA	380.52
03/17/2018	03/23/2018	123055	CHAR EM UNITED WAY	9009	UNITED WAY Pay Period: 3/17/2	52.00
03/17/2018	03/23/2018	123056	CHARLEVOIX STATE BA	9017	HSA - EMPLOYEE CONTRIB - C	1,160.77
03/17/2018	03/23/2018	123057	CHEMICAL BANK	9018	HSA - EMPLOYEE CONTRIB - C	150.00
03/17/2018	03/23/2018	123058	COMMUNICATION WORK	9004	CWA UNION DUES Pay Period:	541.72
03/17/2018	03/23/2018	123059	MI STATE DISBURSEME	9012	FRIEND OF THE COURT Pay P	323.45
03/17/2018	03/23/2018	123060	PRIORITY HEALTH	392358	PRIORITY HEALTH Pay Period:	1,739.42
Grand Totals:		10				6,196.00

Check Number	Payee	Amount
04/03/2018		
123071	a5 Branding & Design	528.84
123072	ACCESS LOCKSMITHING INC	107.50
123073	AIRGAS USA LLC	69.08
123074	ARCADIA BENEFITS GROUP INC	25.00
123075	AT YOUR SERVICE PLUS INC	115.00
123076	AVFUEL CORPORATION	1,795.95
123077	BIOMEDICAL SOLUTIONS	154.62
123078	BOSS JR, DALE E.	159.99
123079	BRADLEY, KELLY R.	150.00
123080	BRADY'S CARPET CLEANING	2,672.08
123081	BROWE, KELLY	25.00
123082	CCI SOUTH LLC	52.50
123083	CHARLEVOIX COUNTY EQUALIZATIO	1,605.77
123084	CHARLEVOIX GLASS INC.	143.44
123085	CHARLEVOIX SCREEN MASTERS INC	195.00
123086	CHARTER COMMUNICATIONS	890.19
123087	CHRISTENSEN, SHELIA	155.77
123088	CINTAS CORPORATION #729	18.50
123089	CITY OF CHARLEVOIX - PETTY CASH	631.00
123090	CLEAR WATER PLUMBING & HEATIN	1,040.00
123091	CONSUMER OFFICE FURNITURE	475.00
123092	DeROSIA, PATRICIA E.	50.00
123093	DETROIT AIR COMPRESSOR	887.88
123094	DITCH WITCH SALES OF MICHIGAN	353.42
123095	DOAN, GERARD P.	50.00
123096	DORAN, JUSTIN J.	150.00
123097	DOTSON, LINDSEY J.	50.00
123098	DRAVES, MARTIN J.	150.00
123099	EATON, BRAD A.	150.00
123100	EDGEWATER RESOURCES LLC	12,999.07
123101	ELLIOTT, PATRICK M.	200.00
123102	EMERGENCY MEDICAL PRODUCTS I	194.88
123103	ENERGIS HIGH VOLTAGE RESOURCE	7,708.43
123104	ERDAHL, JUDY	80.00
123105	FARRELL, MITCHELL L.	150.00
123106	FASTENAL COMPANY	30.22
123107	FISHER SCIENTIFIC	694.94
123108	FOX CHARLEVOIX	27.50
123109	FREIDINGER, REED	323.00
123110	GOLDING, JOYCE M.	594.48
123111	GOVERNMENT FINANCE	160.00
123112	GRAINGER	678.39
123113	GREAT LAKES COCA-COLA DISTRIBU	316.80
123114	GREEN GUARD	104.09
123115	GREENVIEW DATA INC	137.35
123116	GRP ENGINEERING INC.	1,500.00
123117	HANKINS, SCOTT A.	50.00
123118	HART II, DELBERT W.	150.00

M = Manual Check, V = Void Check

Check Number	Payee	Amount
123119	HARTFORD, THE	203.49
123120	HEID, THOMAS J.	200.00
123121	HEYDLAUFF, MARK L	50.00
123122	HILLING, NICHOLAS A.	150.00
123123	HOLIDAY COMPANIES	5,568.69
123124	JACKLIN STEEL SUPPLY CO	44.68
123125	JOHN E. GREEN COMPANY	5,649.48
123126	JOHNNY MAC'S SPORTING GOODS	747.71
123127	JOHNSON, STEVEN P.	150.00
123128	JONES, ROBERT F.	150.00
123129	KASSBOHRER ALL TERRAIN VEHICLE	30.48
123130	KIRINOVIC, THOMAS F.	50.00
123131	KLOOSTER, ALIDA K.	50.00
123132	KNORR, KENT	1,550.00
123133	KOORSEN FIRE & SECURITY	1,740.92
123134	KSS ENTERPRISES	182.05
123135	LAVOIE, RICHARD L.	150.00
123136	LEMON, THOMAS	32.00
123137	LOUIS A. HOFFMAN NURSERY INC	49,944.00
123138	LUTTRELL WELL DRILLING INC.	3,565.00
123139	MAYER, SHELLEY L.	200.00
123140	McGINN, KELLY A.	50.00
123141	MCMULLEN, DONALD R	463.65
123142	MDC CONTRACTING LLC	2,919.54
123143	MEIER III, CHARLES A.	150.00
123144	MERIT NETWORK INC	3,150.00
123145	MICHIGAN MUNICIPAL LEAGUE	9,717.44
123146	MILLER, WILLIAM S.	50.00
123147	MILLS, KATHRINE	74.02
123148	MORRISON, KEVIN P.	150.00
123149	MURRAY'S CREATIONS	240.00
123150	N M A C P	75.00
123151	NEWMAN, MARK J.	150.00
123152	NORTH COUNTRY POWER GENERATI	1,243.50
123153	NORTHERN LIGHTS FAMILY	318.00
123154	PERSONAL GRAPHICS	1,024.53
123155	PHYSICIAN'S CLINIC OF CHARLEVOIX	460.00
123156	POLYDYNE INC	514.80
123157	POWER LINE SUPPLY	7,017.95
123158	PREMIER SAFETY	1,025.00
123159	PRO WEB MARKETING LLC	30.00
123160	QUICK CARE MEDICAL CENTER	30.00
123161	RILEY, DANIEL	105.84
123162	ROHRER, CONRAD	95.00
123163	RON'S AUTO & WRECKER	500.00
123164	SCHWARTZFISHER, JOSEPH L.	150.00
123165	SHORELINE POWER SERVICES INC.	8,400.00
123166	STEVENS, BRANDON C.	150.00
123167	SUPERIOR MECHANICAL	180.00

Check Number	Payee	Amount
123168	SWEM, DONALD L.	200.00
123169	TELEDYNE INSTRUMENTS INC	875.35
123170	TRAVERS, MANUEL J.	50.00
123171	TRUCK & TRAILER SPECIALTIES	44.84
123172	UNIFIRST CORPORATION	487.17
123173	UP NORTH PROPERTY SERVICES LL	464.00
123174	USA BLUE BOOK	189.73
123175	WHITLEY, ANDREW T.	173.00
123176	WHITLEY'S FLOOR COVERING	4,049.86
123177	WILMOT ELECTRIC INC	120.00
123178	WILSON, TIMOTHY J.	150.00
123179	WORK & PLAY SHOP	636.63
123180	WURST, RANDALL W.	200.00
123181	WYMAN, MATTHEW A.	50.00
123182	ZACHARIAS, STEVEN B.	150.00
Total 04/03/2018:		155,634.03
Grand Totals:		155,634.03

Check Number	Payee	Amount
03/15/2018		
31518001	DTE ENERGY	9,659.93
Total 03/15/2018:		9,659.93
Grand Totals:		9,659.93

Check Number	Payee	Amount
03/19/2018		
31918001	MICHIGAN PUBLIC POWER AGENCY	31,965.24
Total 03/19/2018:		31,965.24
Grand Totals:		31,965.24

Check Issue Date	Check Number	Payee	Amount
32318001			
03/23/2018	32318001	**EFTPS* Payroll Taxes	8,156.90
03/23/2018	32318001	**EFTPS* Payroll Taxes	8,156.90
03/23/2018	32318001	**EFTPS* Payroll Taxes	1,907.65
03/23/2018	32318001	**EFTPS* Payroll Taxes	1,907.65
03/23/2018	32318001	**EFTPS* Payroll Taxes	10,112.40
Total 32318001:			
	5		30,241.50
32318002			
03/23/2018	32318002	Alerus Financial	400.00
Total 32318002:			
	1		400.00
32318003			
03/23/2018	32318003	STATE OF MICHIGAN	4,666.23
Total 32318003:			
	1		4,666.23
32318004			
03/23/2018	32318004	Vantagepoint - 401 Plan 109153	742.50
Total 32318004:			
	1		742.50
32318005			
03/23/2018	32318005	Vantagepoint - 457 Plan 300959	5,408.59
03/23/2018	32318005	Vantagepoint - 457 Plan 300959	771.07
03/23/2018	32318005	Vantagepoint - 457 Plan 300959	1,911.18
03/23/2018	32318005	Vantagepoint - 457 Plan 300959	5,537.50
Total 32318005:			
	4		13,628.34
32318006			
03/23/2018	32318006	Vantagepoint - Roth IRA 706117	1,186.53
Total 32318006:			
	1		1,186.53
Grand Totals:			
	13		50,865.10

Xm

Check Number	Payee	Amount
03/23/2018		
32318007	MERS	30,505.33
Total 03/23/2018:		30,505.33
Grand Totals:		30,505.33

Check Number	Payee	Amount
03/26/2018		
32618001	MICHIGAN PUBLIC POWER AGENCY	16,085.76
32618002	MICHIGAN PUBLIC POWER AGENCY	201,757.28
Total 03/26/2018:		217,843.04
Grand Totals:		217,843.04

Check Number	Payee	Amount
03/27/2018		
32718001	MERS	120,000.00
Total 03/27/2018:		120,000.00
Grand Totals:		120,000.00

Check Number	Payee	Amount
04/03/2018		
3057	CHARLEVOIX COUNTY TREASURER	362.50
3058	CHARLEVOIX DISTRICT LIBRARY	134.14
3059	CITY OF CHARLEVOIX - TAXES DUE	80.82
3060	RECREATIONAL AUTHORITY	25.13
Total 04/03/2018:		602.59
Grand Totals:		602.59

CHECKS DRAWN ON CHARLEVOIX STATE BANK ACCOUNT

CHARLEVOIX CITY COUNCIL

Consent Agenda

TITLE: Resolution Appointing Mayor as Representative to the Michigan Township Participating Plan

DATE: April 2, 2018

BACKGROUND:

The Michigan Township Participating Plan was formed in April of 1985 under the enabling legislation known as Public Act 138. It was formed to provide a stable insurance market for governmental entities who, up to then, were paying exorbitant prices for limited coverage, or in some cases, were being forced to go without coverage in key areas. The Par Plan is a unique and proven, member-driven system that has effectively provided affordable, tailored property and casualty coverages to small and medium-sized Michigan public entities for many years. Members of the Par Plan all share common goals and needs specific for public entities. Through participation in the Par Plan, they create a team approach to meeting those goals and needs.

The City needs to approve a resolution to appoint a member of Council to represent them in order to participate in the Michigan Township Participating Plan's Board of Director's election.

RECOMMENDATION:

Motion to approve Resolution 2018-04-01 appointing Mayor Kurtz as Michigan Township Participating Plan representative.

ATTACHMENTS:

- ▣ Resolution 2018-04-01

CITY OF CHARLEVOIX
RESOLUTION NO. 2018-04-01
APPOINTMENT OF MEMBER REPRESENTATIVE TO THE MICHIGAN TOWNSHIP PARTICIPATING PLAN

WHEREAS, the Municipal Board of the Municipality of the City of Charlevoix, County of Charlevoix, State of Michigan has independent power to manage risk and acquire insurance coverage to protect the interests of the residents of the Municipality; and

WHEREAS, Section 5 of Chapter 124 of the Michigan Compiled Laws (P.A. No. 38, 1982, Section 2) authorizes local units of government, including townships to contract jointly to provide cooperative action relative to enumerated insurance coverages and risk management services; and

WHEREAS, several municipalities of the State of Michigan have joined together to form a risk management and insurance program under the name of "Michigan Township Participating Plan" in accordance with an Agreement entitled "Michigan Township Participating Plan Cooperative Action Agreement" (the "Agreement"), originally dated as of April 1, 1985; and

WHEREAS, from time to time it is necessary to appoint an elected official of the municipality to serve as the municipality's Member Representative to the Michigan Township Participating Plan; and

NOW THEREFORE BE IT RESOLVED, the Municipality hereby appoints Mayor Luther Kurtz to serve as the municipality's Member Representative. All immunities and privileges of the governmental office held by the municipality's Member Representative shall apply to the decisions of the municipality's Member Representative while acting as a municipal Member Representative to the Michigan township Participating Plan. This designate does not nominate your board member as an official candidate for election. Nominations must be cast on the official nomination form.

RESOLVED this 2nd day of April, 2018 A.D.

Resolution was adopted by the following yea and nay vote:

Yeas:

Nays:

Absent:

CHARLEVOIX CITY COUNCIL

All Other Actions and Requests

TITLE: Fire Suppression Fee Waiver Policy

DATE: April 2, 2018

PRESENTED BY: Mark L. Heydlauff, City Manager

BACKGROUND:

As we have evaluated fire safety measures, one item that is recurring is the benefit of fire suppression systems like sprinklers. One way the City can concretely support the installation of sprinkler systems is to waive fees we ordinarily charge when a tap is made on the main line. Generally, sprinkler systems have a dedicated and larger than normal line to deliver water to the system. While these fees are not a major driver of the cost of a system, waiving them is one thing we can do toward lowering the burden for a property owner who chooses to install them or is required to by virtue of the building code.

The proposed resolution would function as a policy in addition to our fee schedule. The actual value of the fee waiver will vary depending on the size of the line installed.

RECOMMENDATION:

Motion to adopt Resolution #2018-04-02.

ATTACHMENTS:

- ▣ Resolution 2018-04-02

CITY OF CHARLEVOIX
RESOLUTION NO. 2018-04-02
WAIVING FEE FOR FIRE SUPPRESSION WATER TAP POLICY

WHEREAS, the City of Charlevoix is consciously concerned with regards to fire safety for their residents and building owners;
and

WHEREAS, the City of Charlevoix wishes to encourage property owners to consider installing fire suppression systems in their buildings; and

WHEREAS, as an incentive to install such fire suppression systems, the City Manager (or his/her designee) may waive tap fees to the main line that would feed the fire suppression water lines; and

WHEREAS, the property owner will still be responsible for the cost of all pipe materials, all excavation costs, and the full cost for routine domestic water taps to complete the fire suppression system installation.

NOW THEREFORE BE IT RESOLVED, that it is the policy of the City of Charlevoix to authorize the City Manager (or his/her designee) to evaluate and potentially waive tap fees and other appropriate related fees as a tangible incentive to encourage the installation of a fire suppression systems.

RESOLVED this 2nd day of April, 2018 A.D.

Resolution was adopted by the following yea and nay vote:

Yeas:

Nays:

CHARLEVOIX CITY COUNCIL

All Other Actions and Requests

TITLE: Park Avenue Traffic Discussion

DATE: April 2, 2018

PRESENTED BY: Council Members Bryan, Oleksy, and Perron

BACKGROUND:

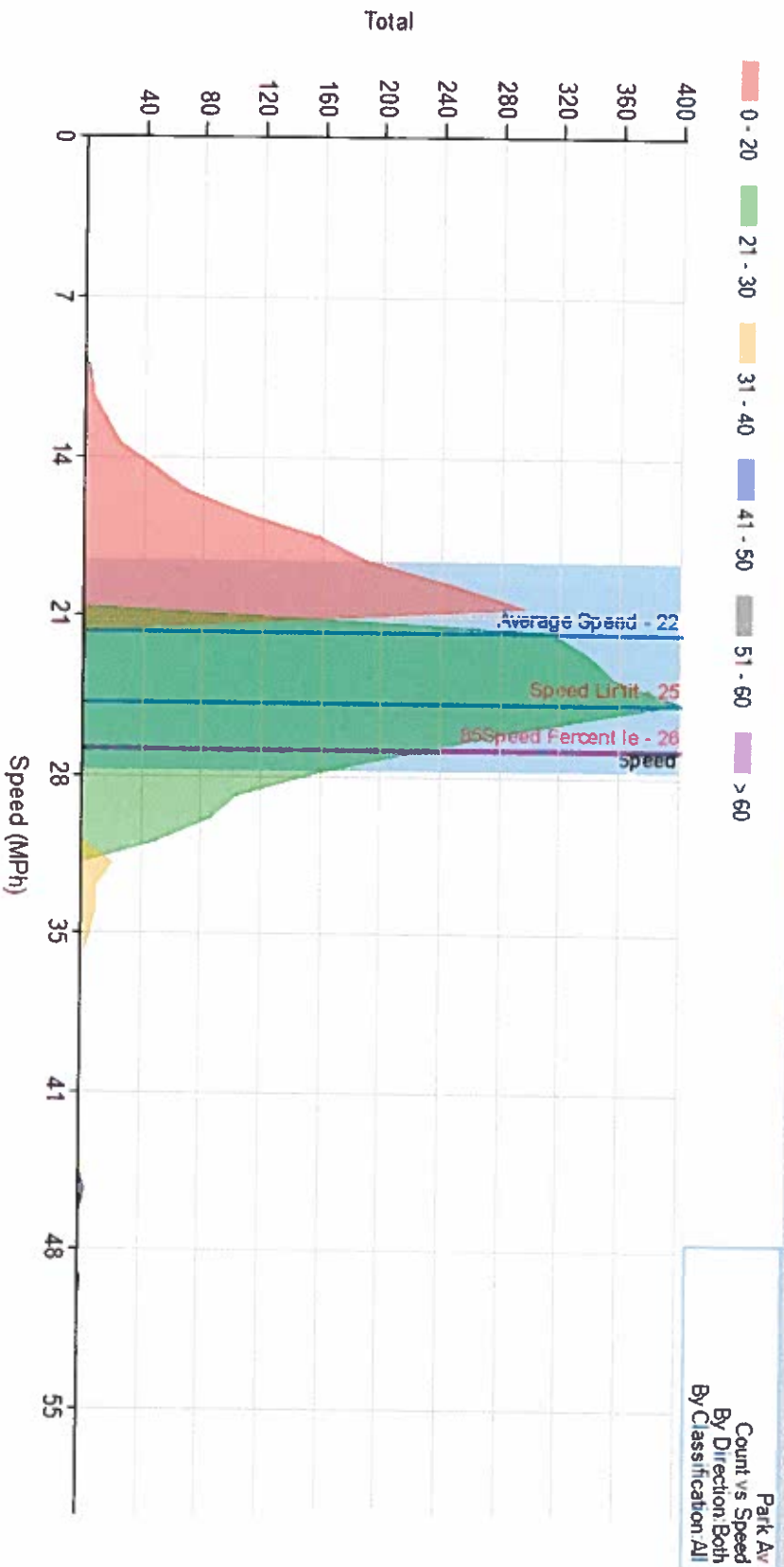
Discussion and possible actions to take concerning traffic flow and speeding on Park Avenue. Possible actions may be to remove the stop sign at the intersection of Sherman and Park and replace the stop signs that were traditionally at the intersection of Antrim and Park. Other proposals for speeding problem to be discussed.

A memo from Chief Doan is included on the recent history of traffic safety in this area.

ATTACHMENTS:

- ▣ March 2018 Speed Study
- ▣ Chief Doan's Memo

Survey Name	Park Av	Location	Park Av,Charlevoix, MI	Speed Unit	Miles/Hour
Start	2018-03-11 07:38	Traffic Direction	Undefined	Speed Limit	25
Stop	2018-03-18 07:04	Zone	School Zone	Min Speed Threshold	10
Operator	000	Min Following Time	0.0	Max Speed Threshold	120
Survey Direction	Both	Time Resolution	1	Speed Resolution	1



Total Vehicle Count	3583	100%	Average Speed	22.3	MPH	In Pace Count	2657	74%
Under Limit Count	2888	80%	Minimum Speed	10	MPH	10 mph Pace	18-27	MPH
Over Limit Count	695	20%	Maximum Speed	58	MPH	Standard Deviation	4	MPH
10 Over Limit Count	16	0%	85th Speed Percentile	26	MPH	Average Speed Over Limit	28	MPH



To: Mark Heydlauff, City Manager
From: Gerard Doan, Chief of Police
Subject: Traffic Report on Park Ave
Date: March 28, 2018

I have been asked to give a traffic report on Park Ave. My information will be primarily related to the area of Park Ave between Grant Street and Lake Street, for the past five years to the current date.

I have found three accidents during this time. All three accidents have occurred at Park Ave. and Lake St. There have been sixty-five traffic stops with ten citations being issued.

Enforcement efforts have been increased in this area due to neighborhood concerns. Stop signs were placed on Park Ave at Sherman last year due to the complaints of speeding vehicles. The stop signs were placed at this location in an attempt to slow traffic down. The utilization of the city speed trailer was also placed in this area to slow traffic down.

A speed summary was conducted in 2013, with an average speed of 29.1 miles per hour. Another speed summary was conducted in 2016 with an average speed of 28.9 miles per hour. Recently during the month of March another speed summary was conducted with an average speed of 22.3 miles per hour. This data shows that the changes that we have made have decreased speeds.

In conclusion, the added stop sign has slowed traffic down in this area. There have been continual discussions on the best location of the stop sign in this area. There are other intersections that could be looked into for the placement of a stop sign. Upon reviewing the above data, it clearly shows a decline in vehicle speeds since the time the stop signs were put in place. The placement of these stop signs has maintained the safety of the street by reducing vehicle speeds.

CHARLEVOIX CITY COUNCIL

Reports and Communications

TITLE: City Manager's Comments

DATE: April 2, 2018

PRESENTED BY: Mark L. Heydlauff, City Manager

BACKGROUND:

A. Cemetery Perpetual Care Fund

Michigan law closely limits the types of investments and savings instruments the City may use to hold long-term savings. Public Act 13 of 2016 permitted municipalities to endow funds contained within the cemetery perpetual care fund with a qualified community foundation. City Treasurer Kelly McGinn and I have had a couple meetings with Charlevoix County Community Foundation Director Chip Hansen regarding this prospect. Calculations show that had this change been made at the beginning of 2008, the fund would have over \$100,000 more available today than at the time of first endowment. This does place more restrictions on how funds are accessed since the body of the fund is kept in endowment and earnings are the only allowed revenue. We are continuing to perform due diligence on this matter--including getting opinions from our auditor and City Attorney. We'll likely bring a recommendation to Council later this spring.

B. Site Plan Review for The Lodge Hotel

Paul Silva and Silva Property Management are in the process of acquiring the Lodge Hotel on Michigan Avenue. They held a reception at the property last week and met with neighbors. They also filed Site Plan Review documents with the Zoning Administrator toward their goal of completely remodeling the property and adding a third floor. The Planning Commission is scheduled to review the plans on April 9 with notices going to neighbors this week. If the Planning Commission grants approval, the plans would come before Council as early as April 16. According to Mr. Silva, he plans to close the hotel on August 1 and spend next winter with the building under construction for a re-opening in the Spring of 2019. I have enjoyed hearing from Mr. Silva and looking at the redevelopment opportunities for this historic property; I believe he has the best interests of the City at heart in his intentions.

C. MERS Changes

As we discussed during our Budget Work Session in January, we have made a one-time payment of \$120,000 into the MERS pension fund as a catch-up payment. We have also asked them to charge us a higher rate for annual contributions. Taken together, these steps will more quickly lower our unfunded position. We plan to make another \$120,000 payment later in the year based on the Annual Actuarial Valuation we receive in June. I thank City Treasurer Kelly McGinn for her work and research on this subject.

D. Blue Star Memorial Garden

I met this week with Marge McGoff of the Charlevoix Garden Club. She and others from the club would like to create a Blue Star Memorial Garden which honors the service of veterans. They are looking at potential locations around the community and I requested she include stakeholders from our local veterans groups before settling on a proposed location. I'll advise you as plans progress.