



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

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Presentations**
- 4. Inquiry Regarding Conflicts of Interest**
- 5. Consent Agenda**
 - A. City Council Meeting Minutes - November 5, 2018
 - B. Accounts Payable and Payroll Check Registers
 - C. November 2018 Local Election Results
 - D. Michigan Local Agency Pavement Warranty Program
 - E. Taxiway A Rehabilitation: Final Payment
- 6. Public Hearings and Actions Requiring Public Hearings**
- 7. All Other Actions and Requests**
 - A. MDOT Annual Permit
Mark L. Heydlauff, City Manager
 - B. Organizational Meeting
Joyce M. Golding, City Clerk
 - C. Council Appointments
Joyce M. Golding, City Clerk
- 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 - November 5, 2018

DATE: November 19, 2018

RECOMMENDATION:

Motion to approve City Council minutes.

ATTACHMENTS:

- ▣ Draft Council Minutes

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

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

A. National Manufacturing Day Proclamation – November 5-12 is Charlevoix Manufacturing Week

4. Inquiry Regarding Conflicts of Interest

The Mayor and Hagen disclosed that they both own liquor licenses but felt that this was not a conflict with Item 7A.

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 – October 15, 2018
- B. City Council Special Meeting Minutes – October 16, 2018
- C. Accounts Payable and Payroll Check Registers
 - a. Special Accounts Payable Check Register – October 22, 2018
 - b. Regular Accounts Payable Check Register – November 6, 2018
 - c. ACH Payments – October 10, 2018 to November 2, 2018
 - d. Payroll Check Register – October 19, 2018
 - e. Payroll Transmittal – October 19, 2018
 - f. Payroll Check Register – November 2, 2018
 - g. Payroll Transmittal – November 2, 2018
 - h. Tax Disbursement – November 6, 2018
- D. Grand Traverse Band of Ottawa & Chippewa Indians Grant Application – Joppa House and Third Day Fellowship
- E. 2018 Power Line Trimming Contract – Asplundh Tree Expert Co. for \$165.59/hour
- F. Rejection of Tree Planting Bid – Over budget; to be rebid
- G. Tree Trimming/Removal Contract – Drost Landscaping \$17,200

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

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

Nays: None

6. Public Hearings & Actions Requiring Public Hearings

A. Public Hearing: Hotel Earl, LLC CFEC Request

The Mayor opened the public hearing at 6:03 p.m. City Manager Heydlauff stated that Public Act 255 of 1978 encourages the replacement, restoration and new construction of commercial property by abating the property taxes generated from new investment for a period up to 12 years in a designated redevelopment district. On October 17, 2016, City Council established a Commercial Redevelopment District for the City. He noted that the local legislative body is authorized to exempt a commercial property from certain parts of the General Property Tax Act. A facility issued a certificate is exempt from real property taxes and is instead subject to a new commercial facilities tax. Hotel Earl, LLC has submitted an Application for Commercial Facilities Exemption Certificate for the former The Lodge property. A public hearing is part of the application approval process.

Mayor Kurtz opened the item to public comment:

- John Haggard was in favor.

The item was closed to the public.

Motion by Kalbfell, second by Cole, to approve Resolution 2018-11-01 granting a Commercial Facilities Exemption Certificate for property located in the Charlevoix Main Street Commercial Redevelopment District No. 1 at 120 Michigan Avenue for a period of 12 years beginning December 31, 2018.

CITY OF CHARLEVOIX
RESOLUTION NO. 2018-11-01

**RESOLUTION APPROVING COMMERCIAL FACILITIES EXEMPTION CERTIFICATE APPLICATION
FOR HOTEL EARL, LLC LOCATED AT 120 MICHIGAN AVENUE, CHARLEVOIX, MICHIGAN (PA255 OF 1978 AS AMENDED)**

- WHEREAS,** the City of Charlevoix legally established the Charlevoix Main Street Commercial Redevelopment District No.1 on October 17, 2016, after a public hearing held on October 17, 2016; and
- WHEREAS,** the state equalized value of the property proposed to be exempt plus the aggregate state equalized value of property previously exempt and currently in force under Public Act 255 of 1978 and under Public Act 198 of 1974 (IFT's) does not exceed 5% of the total state equalized value of the City of Charlevoix; and
- WHEREAS,** the application was approved at a public hearing as provided by section 6(2) of Public Act 255 of 1978 on November 5, 2018; and
- WHEREAS,** Hotel Earl, LLC is not delinquent in any taxes related to the facility; and
- WHEREAS,** the application is for commercial property as defined in section 3(3) of Public Act 255 of 1978; and
- WHEREAS,** the applicant Hotel Earl, LLC has provided answers to all required questions under Section 6(1) of PA 255 of 1978 to the City of Charlevoix; and
- WHEREAS,** the City of Charlevoix requires that the construction, restoration or replacement of the facility shall be completed by June 16, 2019; and
- WHEREAS,** the commencement of the construction, restoration or replacement of the facility did not occur more than 45 days prior to the filing of the application for exemption; and
- WHEREAS,** the commencement of the construction, restoration or replacement of the facility did not occur prior to the establishment of the Commercial Redevelopment District; and
- WHEREAS,** the application relates to a construction, restoration or replacement program which when completed constitutes a new, replacement or restored facility within the meaning of Public Act 255 of 1978 and that is situated within a Commercial Redevelopment District established under Public Act 255 of 1978; and
- WHEREAS,** completion of the facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to increase commercial activity and create employment in which the facility is situated.
- NOW THEREFORE BE IT RESOLVED,** by the City Council of the City of Charlevoix be and hereby is granted a Commercial Facilities Exemption for the real property, excluding land, located in the Charlevoix Main Street Commercial Redevelopment District No.1 at 120 Michigan Avenue for a period of 12 years, beginning December 31, 2018, and ending December 31, 2030, pursuant to the provisions of PA 255 of 1978, as amended.

RESOLVED this 5th day of November, 2018 A.D.

Resolution was adopted by the following yea and nay vote:

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

Nays: None

Absent: None

B. Zoning Ordinance Amendment: Housekeeping Changes

City Manager Heydlauff stated that the proposed amendments to multiple sections of the City of Charlevoix Zoning Ordinance were approved by the Planning Commission on September 10, 2018. All of the changes are corrections, clarifications, or minor in nature. Council held a Public Hearing on October 1, 2018.

**CITY OF CHARLEVOIX
ORDINANCE NO. 795 of 2018**

AN ORDINANCE TO AMEND TITLE V, CHAPTER 51, ARTICLES 2, 4, 5, 7, 8, 11, 17, AND 18 OF THE CHARLEVOIX CITY CODE

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Title V, Chapter 51, Article 2, Section 5.9 of the City Code is hereby amended with the following change:

Home Occupation (Minor). A vocational activity conducted as an accessory use in a dwelling unit by a member or members of the resident family, which is accessory and incidental to the principal residential use of the dwelling. Minor home occupations have two (2) or less employees, have no exterior signage, and conduct business in a manner not known to the general public.

SECTION 2. Title V, Chapter 51, Article 2, Section 5.11 Lot Lines, (1) Front Lot Line of the City Code is hereby amended with the

following change:

Lot Lines.

- (1) Front Lot Line. In the case of an interior lot, the line separating the lot from the street right-of-way or road easement. For a corner lot, the principal front lot line shall be the location of the traditional front entrance of the structure. In the case of a through lot, the front lot line shall be determined by the zoning administrator based on the dominant orientation of abutting and facing lots.

SECTION 3. Title V, Chapter 51, Article 2, Section 5.14 Recreation Facility, Indoor and Recreation Facility, Outdoor of the City Code is hereby amended with the following change:

Recreation Facility, Indoor. A facility open either to the general public or to members and their guests, located in an enclosed building that is designed to accommodate sports, recreational activities, training or related enterprises such as racquet clubs, fitness clubs, skating rinks and the like. Also included are accessory uses that are clearly in support of the primary use, such as sporting goods shops, food service and party/banquet facilities serving patrons of the indoor recreation use, spectator accommodations, changing/locker rooms and employee offices.

Recreation Facility, Outdoor. A recreation facility that is operated primarily for outdoor recreation uses, as well as related buildings and structures that are accessory to the primary outdoor nature of the activities. Included are golf courses and related support facilities, court games, field sports, shooting ranges, winter sports, swim clubs, campgrounds and resorts, or a combination of such uses.

SECTION 4. Title V, Chapter 51, Article 2, Section 5.14 Sign of the City Code is hereby amended with the following change:

Sign. A structure, including its base, foundation and erection supports upon which is displayed any words, letters, figures, emblems, symbols, designs or trademarks by which any message or image is afforded public visibility from outdoors on behalf of, or for the benefit of, any product, place, activity, individual, firm, corporation, institution, profession, association, business or organization. (See Article 11 for detailed definitions.)

SECTION 5. Title V, Chapter 51, Article 4, Section 5.27(2) of the City Code is hereby amended with the following change:

Table 5.27(2) Dimensional Requirements: Single Family- Two Family - Private Club Residential

Zoning District	Max. Building Height (ft.)	Minimum Yard Setbacks (ft.)				Lot Coverage (%)	Min. Floor Area (sq. ft.)		
		Front ³	Side		Rear				Principal Structure Minimum Width (ft)
			Interior	Street Side			1 story	2 stories	
R1	26	15 ⁴	10	15	25	40 ⁵	1,040	1,600	20
R2	26	15	8	15	25	40 ⁶	800	1,200	20
R2A	26	15	10	20	30	40	800	1,200	20
PC	26	0	See	0	0	0	0	0	20

SECTION 6. Title V, Chapter 51, Article 4, Section 5.27(2) of the City Code is hereby amended to delete Footnote 7 in its entirety.

SECTION 7. Title V, Chapter 51, Article 5, Section 5.31 of the City Code is hereby amended to add “/Athletic courts” to the “Recreation facility” uses row of the table as follows:

Recreation facility/Athletic courts	Indoor	-	P	P	-	-	-	P	-	-	
	Outdoor	-	-	-	-	-	P	S	-	P	Section 5.49(1)

SECTION 8. Title V, Chapter 51, Article 7, Section 5.46(1)(g) of the City Code is hereby repealed in its entirety and replaced with the following:

- (g) The minimum distance between a principal building and detached accessory buildings shall be ten (10) feet, and a minimum of twenty (20) feet shall be provided between the sides of adjacent single family buildings and/or accessory structures.

SECTION 9. Title V, Chapter 51, Article 7, Section 5.46(7)(b) of the City Code is hereby repealed in its entirety and replaced with the following:

- (b) Except for a sign, as allowed by Article 11, the home occupation must not be evident from the street or any neighboring property.

SECTION 10. Title V, Chapter 51, Article 7, Section 5.46(8) of the City Code is hereby repealed in its entirety and replaced with the following:

- (8) Outdoor Display and Sales (Accessory). Outdoor Display and Sales are allowed in CBD Overlay only during district-wide sidewalk sale events. Outdoor display and sales that are accessory to a permitted or special land use shall be subject to the following requirements:

SECTION 11. Title V, Chapter 51, Article 7, Section 5.46(9)(a)5 of the City Code is hereby repealed in its entirety and replaced with the following:

5. There shall be no signs on the unit greater than three (3) square feet, other than allowed per Article 11.

SECTION 12. Title V, Chapter 51, Article 7, Section 5.46(10)(c)2 of the City Code is hereby repealed in its entirety and replaced with the following:

2. Minimum Lot Area. A building-mounted WECS shall be allowed on any lot, except in the SR district, provided that all other requirements are met. The minimum lot area for installation of a ground-mounted WECS shall be ten thousand (10,000) square feet.

SECTION 13. Title V, Chapter 51, Article 7, Section 5.46(10)(c)6 of the City Code is hereby repealed in its entirety and replaced with the following:

6. There shall be no signs on the WECS greater than three (3) square feet, other than allowed per Article 11.

SECTION 14. Title V, Chapter 51, Article 7, Section 5.47(1)(c) of the City Code is hereby repealed in its entirety and replaced with the following:

- (c) The minimum width of a single family dwelling unit shall be twenty (20) feet for at least sixty-seven (67) percent of its length, measured between the longest exterior walls.

SECTION 15. Title V, Chapter 51, Article 7, Section 5.48(1)(b)1(d)i of the City Code is hereby repealed in its entirety and replaced with the following:

- i. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from the public right-of-way; or

SECTION 16. Title V, Chapter 51, Article 7, Section 5.48(1)(f)1 of the City Code is hereby repealed in its entirety and replaced with the following:

1. Any sign must comply with the provisions of this ordinance.

SECTION 17. Title V, Chapter 51, Article 7, Section 5.52(4)(i) of the City Code is hereby repealed in its entirety and replaced with the following:

- (i) No marijuana for medical use shall be dispensed by the primary caregiver to qualifying patients at the dwelling or accessory structure in which a primary caregiver is providing primary caregiver services to qualifying patients, except to a qualifying patient who resides with the primary caregiver at the dwelling. Except as provided herein, the primary caregiver shall deliver all marijuana for the medical use of such qualifying patient, and such delivery shall take place on private property away from public view. Any such delivery vehicle shall be unmarked. In addition, all marijuana for medical use delivered to a qualifying patient shall be packaged so the public cannot see or smell the marijuana.

SECTION 18. Title V, Chapter 51, Article 7, Section 5.52(4)(l) of the City Code is hereby repealed in its entirety and replaced with the following:

- (l) A dwelling or an accessory structure in which a primary caregiver is providing primary caregiver services to qualifying patients shall not have any signage.

SECTION 19. Title V, Chapter 51, Article 8, Section 5.61(4) of the City Code is hereby repealed in its entirety and replaced with the following:

- (4) Frontage. No principal building shall be erected on a lot, unless that lot fronts, as required by Section 5.60, upon an improved street or access road. Multiple-family, commercial, office, industrial, or other developments may be exempt from this requirement, as provided in

Section 5.60.

SECTION 20. Title V, Chapter 51, Article 8, Section 5.69(1) of the City Code is hereby repealed in its entirety and replaced with the following:

(1) Certain architectural features, such as eaves, cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features may project no further than three (3) feet into any required yard.

SECTION 21. Title V, Chapter 51, Article 8, Section 5.71(1) of the City Code is hereby repealed in its entirety and replaced with the following:

- (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 which is considered a street side setback.
- (a) The required front setback shall apply to the principal and secondary front lot line.
 - (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 side setbacks.

SECTION 22. Title V, Chapter 51, Article 8, Section 5.78(2) of the City Code is hereby repealed in its entirety and replaced with the following:

- (2) Signage shall be subject to the requirements of Article 11.

SECTION 23. Title V, Chapter 51, Article 11, Section 5.101 of the City Code is hereby amended by deleting the definitions of "Flashing Sign", "Home Occupation Sign", and "Ingress-Egress Sign."

SECTION 24. Title V, Chapter 51, Article 17, Section 5.175(2) of the City Code is hereby repealed in its entirety and replaced with the following:

- (2) Membership. The ZBA shall consist of five (5) members appointed by the city council, one (1) of whom may be a member of the planning commission, and two (2) alternate members.

SECTION 25. Title V, Chapter 51, Article 17, Section 5.177(1) of the City Code is hereby repealed in its entirety and replaced with the following:

- (1) Meetings of the board shall be held at such times as the board may determine but, at least one time annually. There shall be a fixed place of meeting, and all meetings shall comply with the Open Meetings Act, Act 267 of the Public Acts of 1976, as amended.

SECTION 26. Title V, Chapter 51, Article 17, Section 5.177(2) of the City Code is repealed in its entirety and replaced with the following:

- (2) The presence of four (4) members shall constitute a quorum. The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator, or to decide in favor of the applicant on any matter upon which it is required to pass by this ordinance, or to grant variation from the requirements of the ordinance, except that a concurring vote of four (4) members shall be necessary to grant a land use variance.

SECTION 27. Title V, Chapter 51, Article 18, Section 5.194 of the City Code is amended by adding a missing Section header after the first sentence, thus creating a new Section 5.195 Conditional Zoning and items (1) through (14) will fall under Section 5.195, as follows:

5.194. Amendments Required to Conform to Court Decree

An amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the city council and published without necessity of a public hearing or a referral to any other commission or agency.

5.195. Conditional Zoning

SECTION 28. 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 29. Effective Date.

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

Ordinance No. 795 was adopted on the 5th day of November, 2018 A.D., by the Charlevoix City Council as follows:

Motion by Kalbfell, Second by Perron

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

Nays: None

Absent: None

State of Michigan)
) §
City of Charlevoix)

The Mayor closed the public hearing at 6:10 p.m.

7. All Other Actions & Requests

A. Hotel Earl, LLC Redevelopment Liquor License Application

City Manager Heydlauff stated that Hotel Earl, LLC is seeking support from City Council to obtain a Redevelopment Liquor License to be located at 120 Michigan Avenue (formerly The Lodge). Pursuant to Michigan Liquor Control Commission regulations, liquor licenses may require approval from the City of Charlevoix. During a special meeting on October 29th, the DDA approved Hotel Earl's application. Staff recommended the approval of the license based on the factors required for consideration under the statute.

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

CITY OF CHARLEVOIX RESOLUTION NO. 2018-11-02

MICHIGAN LIQUOR CONTROL COMMISSION LOCAL GOVERNMENT LIQUOR LICENSE APPROVAL (Authorized by MCL 436.1501)

At a REGULAR meeting of the City of Charlevoix City Council called to order by Mayor Luther Kurtz, on November 5, 2018 at 6:00 p.m., the following resolution was offered:

Moved by Cole and supported by Oleksy that the application from Hotel Earl-Charlevoix, Inc. d/b/a Hotel Earl for the following license(s): New B-Hotel & SDM liquor licenses pursuant to MCLA 436.1521a(1)(b), to be located at 120 Michigan Avenue, Charlevoix, Michigan 49720 be considered for approval by the Michigan Liquor Control Commission.

RESOLVED this 5th day of November, 2018 A.D.

Resolution was adopted by the following yea and nay vote:

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

Nays: None

Absent: None

B. Proceed with Public Service Facility Final Design

City Manager Heydlauff recalled that on October 16, Council held a Work Session to learn more about the preliminary design of the Public Service Facility and to discuss the project with key Staff. We have already approved a contract for this work but paused the project based on concerns over the estimate of final cost. John Hiltz, president of OHM Advisors, explained a brief history of his company and reiterated conceptual versus preliminary design cost information that he shared at Council's Work Session on October 16th.

Mayor Kurtz opened the item to public comment:

- Gabe Campbell was in favor of the project.
- Greg Stevens questioned if Staff needs were being met.

The item was closed to the public.

Motion by Cole, second by Oleksy, to proceed with final design and the preparation of bid documents for a combined Electric and DPW Public Service Facility.

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

Nays: None

C. Water Plant Filter Rehabilitation: Bulletin #1

City Manager Heydlauff recalled that the Water Treatment Plant Phase I Filter Rehabilitation project is ongoing. He explained that due to the design of the plant, replacement of the remaining four valves will require portions of the concrete filter walls to be cut to access the inlet valves. Our engineers at Prein&Newhof have developed a course of action to correct this. The original cost of this project as approved by Council was \$182,200. The change being proposed would add \$17,600.76. Staff endorsed moving forward with the engineer's recommendation.

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

Motion by Hagen, second by Kalbfell, to approve Bulletin #1 for the Water Plant Filter Rehabilitation Phase 1 with Northwest Kent Mechanical Co. for \$17,600.76.

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

D. Revised Recreation Job Descriptions

City Manager Heydlauff stated that with the resignation of the Farmers Market Manager, Staff proposed to move oversight of the Farmers Market Manager from the DDA to Recreation Director Knorr. Our Recreation Assistant, Beth Anzell, is currently working part-time. He proposed moving her to full-time and give her responsibility for managing the Farmers Market.

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

Motion by Kalbfell, second by Hagen, to approve the revised Recreation Assistant/Farmers Market Manager and Recreation Director job descriptions.

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

E. DDA Appointment

We received one application for the DDA vacancy. This position is appointed by the Mayor and approved by Council, term expires April 2019. Mayor Kurtz nominated Paul Silva.

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

Motion by Cole, second by Kalbfell, to appoint Paul Silva to the DDA, term expiring April 2019.

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

8. **Reports & Communications**

A. Public Comments

B. City Manager Comments

- Tip of the Mitt is offering grant funding for public waterfront projects.
- Research is taking place on parking meters and apps.
- Prein&Newhof is working on a sewer ordinance revision.
- City line workers took part in a skills demonstration for potential new workers.

C. Mayor & Council Comments

- Bryan commented that Council worked well together this past year.
- Perron noted the new asphalt on Bridge Street.
- The Mayor remarked on the pleasant campaign season and positive collaboration on Council.

9. **Other Council Business**

10. **Adjourn**

The Mayor adjourned the meeting at 6:53 p.m.

Joyce M. Golding	City Clerk	Luther Kurtz	Mayor
Special Accounts Payable – 10/22/2018			
AT&T	3,967.93	MUNICIPAL UNDERWRITERS OF MICH	100,023.54
AT&T MOBILITY	90.98	PRIORITY HEALTH	36,765.90
CHARLEVOIX STATE BANK	7,858.18	STANDARD INSURANCE CO	2,171.99
CHARTER COMMUNICATIONS	857.01	VERIZON WIRELESS	56.72
DELTA DENTAL	3,311.97	VISION SERVICE PLAN	513.34
GREAT LAKES ENERGY	247.31		
METLIFE SMALL BUSINESS CENTER	549.66	TOTAL	156,414.53
Regular Accounts Payable – 11/06/2018			
ACCESS LOCKSMITHING INC	122.00	AT YOUR SERVICE PLUS INC	115.00
AIRGAS USA LLC	68.65	AVFUEL CORPORATION	48,897.74
ALL-PHASE ELECTRIC SUPPLY CO.	77.22	AXON ENTERPRISE INC.	1,082.00
ALTEC INDUSTRIES INC	779.67	BELL EQUIPMENT COMPANY	119.89
AMERICAN WASTE INC.	256.40	BERG, REBECCA	51.00
ARCADIA BENEFITS GROUP INC	25.00	BERGER CHEVEROLET	30,567.00

BLARNEY CASTLE OIL CO	448.82	MILLER, WILLIAM S.	50.00
BOB MATHERS FORD	117.98	MUNCHERS ON HOOVES LLC	1,635.00
BRADFORD'S	26.00	MUNSON HEALTHCARE CVX HOSPITAL	19.71
BUSSCHER, GARY	50.00	NANNERY, KAITLYN	53.16
CDW GOVERNMENT INC.	1,094.82	NORTHERN MICHIGAN REVIEW INC.	120.00
CHARLEVOIX COMMUNITY SHOPPER	199.00	NORTHERN MICHIGAN TRUCK &	1,841.73
CIESLAK, STAN	15.00	NORTHWEST KENT MECHANICAL CO	90,000.00
CINTAS CORPORATION	96.54	O'BRIEN, DONALD	15.00
CINTAS CORPORATION #729	113.40	OMS COMPLIANCE SERVICES INC	173.50
CIVICPLUS	900.00	PHYSICIAN'S CLINIC OF CHARLEVOIX	153.00
CLEAR WATER PLUMBING & HEATING	150.00	PHYSIO-CONTROL INC.	2,471.56
COMPASS MINERALS AMERICA	14,904.78	PLUNKETT & COONEY	860.00
COOK FAMILY FARMS	92.00	POSTMASTER	181.31
DeROSIA, PATRICIA E.	145.28	POSTMUS, ANNA M.	50.00
DITCH WITCH SALES OF MICHIGAN	114.02	POWER LINE SUPPLY	5,082.66
DOAN, GERARD P.	50.00	PREIN & NEWHOF	29,913.39
DOTSON, LINDSEY J.	50.00	PRO WEB MARKETING LLC	157.50
EDWARDS, BENJAMIN	275.00	PRODUCTIVITY PLUS ACCOUNT	279.79
ELLIOTT, PATRICK M.	50.00	PROVIDENCE FARM LLC	111.00
ELLSWORTH FARMER'S EXCHANGE	188.03	PURITY CYLINDER GASES INC	131.51
EMBROIDME	493.75	QUICK CARE MEDICAL CENTER	98.00
EMERGENCY MEDICAL PRODUCTS INC	1,077.17	R & R PRODUCTS INC	193.37
FARMER WHITE'S	69.00	RANGE TELECOMMUNICATIONS	176.20
FASTENAL COMPANY	230.00	RECDESK LLC	2,300.00
FOREMOST MEDICAL EQUIPMENT	40.00	RESCO	5,940.00
GBS INC.	75.19	ROHRER, CONRAD	38.06
GIVE 'EM A BRAKE SAFETY	399.00	ROTARY CLUB OF CHARLEVOIX	37.50
GOLDING, JOYCE M.	50.00	RUSTIC BAKER	147.00
GOSLING, CHARLES	41.76	SARGENT, DAVID	300.00
GRAINGER	139.26	SHINDORF BUILDERS	334.00
GREENVIEW DATA INC	376.05	SIEGRIST, DAVID	27.00
HANKINS, SCOTT A.	50.00	SIGNATURE FORD L-M	34,496.00
HARBOR HOUSE PUBLISHERS	1,295.00	SILVA, JESSE L.A.	50.00
HARRELL'S	3,627.00	SITE ONE LANDSCAPE SUPPLY	134.50
HEID, THOMAS J.	50.00	SKINNER, RITA	50.00
HEYDLAUFF, MARK L.	50.00	SNAP-ON	370.55
HOLIDAY COMPANIES	7,368.10	SOCIAL ECONOMIC ENTERPRISES	600.00
HRUSKA, MARIANNE	23.29	SPARTAN STORES LLC	81.70
HYDE SERVICES LLC	1,250.00	STATE OF MICHIGAN	100.54
ICMA	958.93	STATE OF MICHIGAN	96.00
JESS CONSTRUCTION CO. INC.	168.00	STATE OF MICHIGAN	354.49
KELLY, BRIAN	50.00	STRICKER'S OUTDOOR POWER EQUIP	981.12
KLOOSTER, ALIDA K.	50.00	SUMMIT COMPANIES	237.73
KLOOSTER, PATRICK H.	50.00	SUPERIOR MECHANICAL	2,416.78
KMart	46.62	SWEM, DONALD L.	50.00
KNORR, KENT J.	50.00	SYSTEMS SPECIALISTS INC	7,626.00
KSS ENTERPRISES	102.16	T & R ELECTRIC	2,533.00
LAVENDER, JOSEPH E.	50.00	TERMINAL SUPPLY CO	99.00
LEESE, M. CHRIS	299.00	THORP, JOSEPH	50.00
LOTTIE'S BAGELS	150.00	TOP OF MICHIGAN TRAILS COUNCIL	5,000.00
MASSON, DONALD J.	65.00	TRAVERSE CITY RECORD EAGLE	353.25
MATT'S LLC	3,707.80	TRUCK & TRAILER SPECIALTIES	185.07
MAYER, SHELLEY L.	50.00	UNIFIRST CORPORATION	943.20
MCCI	950.00	UP NORTH PROPERTY SERVICES LLC	2,320.00
McGINN, KELLY A.	50.00	UPPER CASE PRINTING INK.	1,105.30
MCMULLEN, DONALD R.	174.57	USA BLUE BOOK	438.62
MDC CONTRACTING LLC	621.00	VERMEER OF MICHIGAN INC	73,312.50
MEADOWBROOK INSURANCE GROUP	970.23	VEZER, FRANK	556.75
MED ALLIANCE GROUP INC	264.21	VILLAGE GRAPHICS INC.	539.67
METAL HEAD WELDING LLC	2,305.00	WARNER, KELLY	50.78
MI-AWWA	165.00	WILSON, NEIL	42.08
MICHAEL MURPHY IV PHOTOGRAPHY	200.00	WITMER PUBLIC SAFETY GROUP	338.85
MICHIGAN ASSN OF MUNICIPAL CLERKS	120.00	WURST, RANDALL W.	50.00
MICHIGAN ASSN/AMBULANCE SVCS	250.00	WYMAN, MATTHEW A.	50.00
MICHIGAN OFFICEWAYS INC	1,441.56	TOTAL	409,760.32

ACH Payments – 10/10/2018 to 11/02/2018

PAYMENT SERVICE NETWORK	237.70	VANTAGEPOINT (ROTH IRA)	936.53
DTE ENERGY	1,453.70	MERS (DEFINED BENEFIT PLAN)	40,473.70
MI PUBLIC POWER AGENCY	27,038.64	MI PUBLIC POWER AGENCY	14,452.00
IRS (PAYROLL TAX DEPOSIT)	37,454.97	MI PUBLIC POWER AGENCY	239,033.15
ALERUS FINANCIAL (HCSP)	400.00	MI PUBLIC POWER AGENCY	9,714.64
STATE OF MI (WITHHOLDING TAX)	5,637.99	IRS (PAYROLL TAX DEPOSIT)	38,827.93
VANTAGEPOINT (401 ICMA PLAN)	802.64	ALERUS FINANCIAL (HCSP)	400.00
VANTAGEPOINT (457 ICMA PLAN)	18,611.37	STATE OF MI (WITHHOLDING TAX)	5,761.95

VANTAGEPOINT (401 ICMA PLAN)	802.64	VANTAGEPOINT (ROTH IRA)	936.53
VANTAGEPOINT (457 ICMA PLAN)	18,303.94	TOTAL	461,280.02

Payroll Net Pay – Pay Period Ending 10/13/2018 (Paid 10/19/2018)

HEYDLAUFF, MARK L.	2,534.46	MCGHEE, ROBERT R.	894.14
GOLDING, JOYCE M.	1,761.58	MUMICH, BARRY J.	142.31
DEROSIA, PATRICIA E.	972.37	CRANDELL, ZACKARY R.	548.87
DOTSON, LINDSEY J.	1,463.21	FERGUSON, ROYCE L.	222.01
LOY, EVELYN R.	1,091.21	BOSS, SHERRY M.	618.75
KLOOSTER, ALIDA K.	1,650.96	SAYWARD, MADISON E.	435.34
GOLOVICH, KAREN J.	993.39	ZIPP, BRANDON M.	470.41
SPENCLEY, PATRICIA L.	60.46	ROSENTHAL, GABRIEL M.	898.37
MILLER, FAITH G.	9.55	KNORR, KENT J.	1,866.40
MCGINN, KELLY A.	1,398.16	ANZELL, BETH A.	954.85
JONES, JANET M.	436.26	KLOOSTER, PATRICK H.	1,465.01
LAVENDER, JOSEPH E.	1,722.03	EVANS JR, HALBERT K.	859.08
DOAN, GERARD P.	1,862.89	KIRINOVIC, THOMAS F.	741.48
SCHLAPPI, JAMES L.	772.94	HEID, THOMAS J.	1,315.38
UMULIS, MATTHEW T.	1,026.10	LEESE, ALAN K.	348.16
HANKINS, SCOTT A.	1,571.63	DAVIS, RONALD L.	47.52
ORBAN, BARBARA K.	1,144.61	MASSON, DONALD J.	465.50
WILLIAMS, ASHLEY M.	1,184.73	LIVINGSTON, BRIAN D.	731.96
FLICKEMA, ANDREW M.	1,364.60	WYMAN, MATTHEW A.	1,689.05
RILEY, DENISE M.	454.96	MILLER, WILLIAM S.	1,221.90
MATELSKI, KRISTEN L.	1,258.28	DOUGLAS, MARK	612.41
BINGHAM, LARRY E.	499.90	PRIOR, ERIN C.	501.55
WURST, RANDALL W.	1,099.13	CERTA, BRIAN	636.27
MAYER, SHELLEY L.	1,657.11	MCMULLEN, DONALD R.	1,466.58
HILLING, NICHOLAS A.	1,532.00	TRAVERS, MANUEL J.	2,678.52
MEIER III, CHARLES A.	1,252.86	STEVENS, JEFFREY W.	394.47
ZACHARIAS, STEVEN B.	1,759.47	RILEY, CASEY W.	524.67
NEWMAN, MARK J.	1,006.95	JONES, LARRY M.	873.44
SWEM, DONALD L.	1,973.85	WILLSON, BRENDA R.	1,130.74
EATON, BRAD A.	1,980.41	BEAN, PETER J.	1,957.81
WILSON, TIMOTHY J.	2,206.62	ERWIN, RACHELLE L.	91.37
LAVOIE, RICHARD L.	1,447.29	SILVA, JESSE L.A.	1,560.98
STEVENS, BRANDON C.	2,213.85	SEHL, JENNA R.	395.75
DRAVES, MARTIN J.	1,879.01	RILEY, DANIEL A.	710.25
ANDERSON, ELIZABETH A.	1,246.48	WHEELER, MICHAEL W.	1,710.57
LEITNER, RYAN S.	1,286.48	SNYDER, CORY G.	480.05
ELLIOTT, PATRICK M.	2,225.85	PEARSALL, KRISTA M.	995.31
SCHWARTZFISHER, JOSEPH L.	1,174.38	DRAKE, WILLIAM F.	1,280.62
BRADLEY, KELLY R.	1,771.40	JOHNSON, MELISSA A.	1,801.14
HART II, DELBERT W.	1,400.94	AZZOPARDI, ANTHONY J.	846.12
JONES, ROBERT F.	1,640.28	DEKORNE, ELIZABETH A.	221.39
DORAN, JUSTIN J.	1,574.46	VOUSBOUKIS, AUTUMN M.	182.74
FARRELL, MITCHELL L.	1,320.90	FILIPAK, CHRISTOPHER D.	148.95
THORP JR, WILLIAM D.	1,395.02	WHITLEY, ANDREW T.	1,996.09
MANKER JR, DAVID W.	426.41	MORRISON, KEVIN P.	1,164.25
MANKER SR, DAVID W.	644.53	BISHAW, JAMES H.	628.02
BECKER, MICHAEL S.	566.30	KLINGER, BRADLEY W.	350.05
NEDWICK, DAVID J.	463.45	GILL, DAVID R.	1,148.34
FREY, DYLAN V.	334.43		
HART III, DELBERT W.	508.02	TOTAL	105,647.10

Payroll Transmittal –10/19/2018

4FRONT CREDIT UNION	635.00	COMMUNICATION WORKERS OF AMER	583.97
AMERICAN FAMILY LIFE	198.66	MI STATE DISBURSEMENT UNIT	866.89
AMERICAN FAMILY LIFE	372.78	PRIORITY HEALTH	1,497.57
CHAR EM UNITED WAY	52.00	VELO LAW OFFICE	74.01
CHARLEVOIX STATE BANK	1,028.00		
CHEMICAL BANK	150.00	TOTAL	5,458.88

Payroll Net Pay – Pay Period Ending 10/27/2018 (Paid 11/02/2018)

HEYDLAUFF, MARK L.	2,822.91	LAVENDER, JOSEPH E.	1,722.03
GOLDING, JOYCE M.	2,177.85	DOAN, GERARD P.	2,047.46
DEROSIA, PATRICIA E.	1,335.08	SCHLAPPI, JAMES L.	1,007.49
DOTSON, LINDSEY J.	1,390.03	UMULIS, MATTHEW T.	1,134.54
LOY, EVELYN R.	1,091.21	HANKINS, SCOTT A.	1,813.02
KLOOSTER, ALIDA K.	2,009.24	ORBAN, BARBARA K.	1,094.36
GOLOVICH, KAREN J.	993.39	WILLIAMS, ASHLEY M.	1,442.41
SPENCLEY, PATRICIA L.	100.35	FLICKEMA, ANDREW M.	1,730.61
MCGINN, KELLY A.	1,803.02	RILEY, DENISE M.	461.53
JONES, JANET M.	352.37	MATELSKI, KRISTEN L.	1,297.64

WURST, RANDALL W.	1,593.42	EVANS JR, HALBERT K.	126.86
MAYER, SHELLEY L.	2,121.23	KIRINOVIC, THOMAS F.	47.57
HILLING, NICHOLAS A.	1,441.71	HEID, THOMAS J	1,315.38
MEIER III, CHARLES A.	1,172.78	LEESE, ALAN K.	371.78
ZACHARIAS, STEVEN B.	1,229.93	DAVIS, RONALD L.	16.03
NEWMAN, MARK J.	1,108.89	MASSON, DONALD J.	420.99
SWEM, DONALD L.	1,973.86	LIVINGSTON, BRIAN D.	762.40
EATON, BRAD A.	1,903.85	WYMAN, MATTHEW A.	1,539.78
WILSON, TIMOTHY J.	2,792.21	MILLER, WILLIAM S.	1,524.02
LAVOIE, RICHARD L.	1,772.43	DOUGLAS, MARK	682.28
STEVENS, BRANDON C.	2,077.40	PRIOR, ERIN C.	384.42
DRAVES, MARTIN J.	2,007.47	CERTA, BRIAN	573.00
ANDERSON, ELIZABETH A.	1,246.48	MCMULLEN, DONALD R.	1,883.17
KENWABIKISE, DAVID L.	549.29	TRAVERS, MANUEL J.	1,612.41
ELLIOTT, PATRICK M.	2,225.84	STEVENS, JEFFREY W.	768.85
SCHWARTZFISHER, JOSEPH L.	1,063.92	RILEY, CASEY W.	552.19
BRADLEY, KELLY R.	1,317.06	JONES, LARRY M.	455.72
HART II, DELBERT W.	1,474.43	WILLSON, BRENDA R.	1,558.87
JONES, ROBERT F.	1,312.81	BEAN, PETER J.	2,377.31
DORAN, JUSTIN J.	1,605.78	ERWIN, RACHELLE L.	405.81
FARRELL, MITCHELL L.	1,733.79	SILVA, JESSE L.A.	1,629.95
THORP JR, WILLIAM D.	1,486.53	SEHL, JENNA R.	272.35
LEITNER, RYAN S.	1,529.15	RILEY, DANIEL A.	997.53
MANKER JR, DAVID W.	523.92	WHEELER, MICHAEL W.	2,288.96
MANKER SR, DAVID W.	736.39	SNYDER, CORY G.	170.43
BECKER, MICHAEL S.	705.02	PEARSALL, KRISTA M.	542.83
NEDWICK, DAVID J.	730.67	DRAKE, WILLIAM F.	1,290.53
FREY, DYLAN V.	461.21	JOHNSON, MELISSA A.	1,983.78
HART III, DELBERT W.	630.87	AZZOPARDI, ANTHONY J.	737.92
MCGHEE, ROBERT R.	1,025.29	DEKORNE, ELIZABETH A.	422.35
MUMICH, BARRY J.	206.35	VOUSBOUKIS, AUTUMN M.	438.69
CRANDELL, ZACKARY R.	410.34	MCRANEY, RUSSELL R.	57.27
BOSS, SHERRY M.	707.31	BELMONTE, ANTONIO F.	46.96
SAYWARD, MADISON E.	554.06	GERBER, SAMUEL A.	49.87
ZIPP, BRANDON M.	521.79	WHITLEY, ANDREW T.	1,660.99
ROSENTHAL, GABRIEL M.	756.30	MORRISON, KEVIN P.	1,359.26
KNORR, KENT J.	1,866.41	BISHAW, JAMES H.	723.71
ANZELL, BETH A.	768.57	GILL, DAVID R.	1,030.16
KLOOSTER, PATRICK H.	138.30	TOTAL	108,391.98

Payroll Transmittal – 11/02/2018

4FRONT CREDIT UNION	661.07	CHEMICAL BANK	150.00
AMERICAN FAMILY LIFE	136.62	COMMUNICATION WORKERS OF AMER	583.97
AMERICAN FAMILY LIFE	372.78	MI STATE DISBURSEMENT UNIT	913.86
BARRY COUNTY TRIAL COURT	20.00	POLICE OFFICERS LABOR COUNCIL	201.00
CHAR EM UNITED WAY	52.00	PRIORITY HEALTH	1,531.50
CHARLEVOIX STATE BANK	1,028.00	TOTAL	5,650.80

Tax Disbursement – 11/06/2018

CHARLEVOIX COUNTY TREASURER	64,624.88	CHARLEVOIX PUBLIC SCHOOLS	3,091.89
CHARLEVOIX PUBLIC SCHOOLS	102,852.53	CITY OF CHARLEVOIX - TAXES DUE	76,445.74
CHARLEVOIX PUBLIC SCHOOLS	12,491.87	TOTAL	260,279.59
CHARLEVOIX PUBLIC SCHOOLS	772.68		

CHARLEVOIX CITY COUNCIL

Consent Agenda

TITLE: Accounts Payable and Payroll Check Registers

DATE: November 19, 2018

ATTACHMENTS:

- ▣ Accounts Payable and Payroll Check Registers

Pay Period Date	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
11/10/2018	11/16/2018	125245	4FRONT CREDIT UNION	9024	HSA-EMPLOYEE CONTRIB-4FR	661.07
11/10/2018	11/16/2018	125246	AMERICAN FAMILY LIFE	9011	AMERICAN FAMILY LIFE-POST	161.02
11/10/2018	11/16/2018	125246	AMERICAN FAMILY LIFE	9011	AMERICAN FAMILY LIFE-PRETA	677.30
11/10/2018	11/16/2018	125247	CHAR EM UNITED WAY	9009	UNITED WAY Pay Period: 11/10/	52.00
11/10/2018	11/16/2018	125248	CHARLEVOIX STATE BA	9017	HSA - EMPLOYEE CONTRIB - C	1,028.00
11/10/2018	11/16/2018	125249	CHEMICAL BANK	9018	HSA - EMPLOYEE CONTRIB - C	150.00
11/10/2018	11/16/2018	125250	COMMUNICATION WORK	9004	CWA UNION DUES Pay Period:	583.97
11/10/2018	11/16/2018	125251	MI STATE DISBURSEME	9012	FRIEND OF THE COURT Pay P	1,002.09
11/10/2018	11/16/2018	125252	PRIORITY HEALTH	392358	PRIORITY HEALTH Pay Period:	1,542.99
Grand Totals:		9				5,858.44

dm

Summary of Check Registers & ACH Payments

HUNTINGTON NATIONAL BANK - CHECKS ISSUED

11/16/18 Payroll Transmittal Checks \$ 5,858.44
 11/16/18 Payroll (net pay) \$ 102,796.97
 11/20/18 Regular Accounts Payable \$ 377,379.36

Checks Sub-Total: \$ 486,034.77

HUNTINGTON NATIONAL BANK - ACH/WIRE PAYMENTS

11/05/18 MI Public Power Agency \$ 12,725.09
 11/05/18 Payment Service Network \$ 249.30
 11/09/18 DTE Energy \$ 2,050.45
 11/09/18 State of MI (Sales Tax) \$ 18,957.10
 11/13/18 MI Public Power Agency \$ 10,613.42
 11/16/18 IRS (Payroll Tax Deposit) \$ 35,630.08
 11/16/18 Alerus Financial (HCSP) \$ 400.00
 11/16/18 State of MI (Withholding Tax) \$ 5,374.87
 11/16/18 Vantagepoint (401 ICMA Plan) \$ 802.64
 11/16/18 Vantagepoint (457 ICMA Plan) \$ 19,090.90
 11/16/18 Vantagepoint (Roth IRA) \$ 936.53

ACH Sub-Total: \$ 106,830.38

Huntington National Bank Total: \$ 592,865.15

CHARLEVOIX STATE BANK - CHECKS ISSUED

(PROPERTY TAX DISBURSEMENT TO VARIOUS TAXING AUTHORITIES)

11/20/18 Tax Disbursement \$ 63,113.49
 Charlevoix State Bank Total: \$ 63,113.49

Grand Total: \$ 655,978.64

APPROVED:


 CITY MANAGER


 CITY TREASURER


 CITY CLERK

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
11/10/2018	PC	11/16/2018	27047	HEYDLAUFF, MARK L.	102		2,488.48
11/10/2018	PC	11/16/2018	27048	GOLDING, JOYCE M.	106		1,761.58
11/10/2018	PC	11/16/2018	27049	DEROSIA, PATRICIA E.	107		1,259.69
11/10/2018	PC	11/16/2018	27050	DOTSON, LINDSEY J.	109		1,327.19
11/10/2018	PC	11/16/2018	27051	LOY, EVELYN R.	117		1,091.21
11/10/2018	PC	11/16/2018	27052	KLOOSTER, ALIDA K.	121		1,647.67
11/10/2018	PC	11/16/2018	27053	GOLOVICH, KAREN J.	122		993.39
11/10/2018	PC	11/16/2018	27054	SPENCLEY, PATRICIA L.	136		1,067.44
11/10/2018	PC	11/16/2018	27055	MILLER, FAITH G.	142		33.42
11/10/2018	PC	11/16/2018	27056	MCGINN, KELLY A.	146		1,386.74
11/10/2018	PC	11/16/2018	27057	JONES, JANET M.	148		267.84
11/10/2018	PC	11/16/2018	27058	LAVENDER, JOSEPH E.	153		1,722.03
11/10/2018	PC	11/16/2018	27059	DOAN, GERARD P.	201		2,047.46
11/10/2018	PC	11/16/2018	27060	SCHLAPPI, JAMES L.	204		1,108.86
11/10/2018	PC	11/16/2018	27061	UMULIS, MATTHEW T.	205		963.11
11/10/2018	PC	11/16/2018	27062	HANKINS, SCOTT A.	208		1,631.98
11/10/2018	PC	11/16/2018	27063	ORBAN, BARBARA K.	209		1,145.72
11/10/2018	PC	11/16/2018	27064	WILLIAMS, ASHLEY M.	210		1,246.10
11/10/2018	PC	11/16/2018	27065	FLICKEMA, ANDREW M.	211		1,466.86
11/10/2018	PC	11/16/2018	27066	RILEY, DENISE M.	213		465.89
11/10/2018	PC	11/16/2018	27067	MATELSKI, KRISTEN L.	230		1,297.64
11/10/2018	PC	11/16/2018	27068	WURST, RANDALL W.	411		1,169.43
11/10/2018	PC	11/16/2018	27069	MAYER, SHELLEY L.	412		1,689.56
11/10/2018	PC	11/16/2018	27070	HILLING, NICHOLAS A.	413		1,777.37
11/10/2018	PC	11/16/2018	27071	MEIER III, CHARLES A.	421		1,422.76
11/10/2018	PC	11/16/2018	27072	ZACHARIAS, STEVEN B.	422		1,229.93
11/10/2018	PC	11/16/2018	27073	NEWMAN, MARK J.	424		816.99
11/10/2018	PC	11/16/2018	27074	SWEM, DONALD L.	512		1,973.85
11/10/2018	PC	11/16/2018	27075	EATON, BRAD A.	515		1,972.04
11/10/2018	PC	11/16/2018	27076	WILSON, TIMOTHY J.	516		2,192.55
11/10/2018	PC	11/16/2018	27077	LAVOIE, RICHARD L.	519		1,752.93
11/10/2018	PC	11/16/2018	27078	STEVENS, BRANDON C.	521		2,191.83
11/10/2018	PC	11/16/2018	27079	DRAVES, MARTIN J.	523		1,834.09
11/10/2018	PC	11/16/2018	27080	ANDERSON, ELIZABETH	526		1,246.48
11/10/2018	PC	11/16/2018	27081	KENWABIKISE, DAVID L.	528		1,142.62
11/10/2018	PC	11/16/2018	27082	ELLIOTT, PATRICK M.	600		2,225.85
11/10/2018	PC	11/16/2018	27083	SCHWARTZFISHER, JOS	603		1,231.09
11/10/2018	PC	11/16/2018	27084	BRADLEY, KELLY R.	614		1,516.35
11/10/2018	PC	11/16/2018	27085	HART II, DELBERT W.	616		1,211.93
11/10/2018	PC	11/16/2018	27086	JONES, ROBERT F.	618		1,160.40
11/10/2018	PC	11/16/2018	27087	DORAN, JUSTIN J.	621		1,201.74
11/10/2018	PC	11/16/2018	27088	FARRELL, MITCHELL L.	622		1,315.20
11/10/2018	PC	11/16/2018	27089	THORP JR, WILLIAM D.	623		1,171.18
11/10/2018	PC	11/16/2018	27090	LEITNER, RYAN S.	624		1,434.95
11/10/2018	PC	11/16/2018	27091	MANKER JR, DAVID W.	638		420.12
11/10/2018	PC	11/16/2018	27092	MANKER SR, DAVID W.	639		592.77
11/10/2018	PC	11/16/2018	27093	BECKER, MICHAEL S.	641		650.01
11/10/2018	PC	11/16/2018	27094	NEDWICK, DAVID J.	642		489.76
11/10/2018	PC	11/16/2018	27095	FREY, DYLAN V.	643		270.39
11/10/2018	PC	11/16/2018	27096	HART III, DELBERT W.	657		589.93
11/10/2018	PC	11/16/2018	27097	MCGHEE, ROBERT R.	663		787.94
11/10/2018	PC	11/16/2018	27098	MUMICH, BARRY J.	671		142.31
11/10/2018	PC	11/16/2018	27099	CRANDELL, ZACKARY R.	691		414.55
11/10/2018	PC	11/16/2018	27100	BOSS, SHERRY M.	695		419.41
11/10/2018	PC	11/16/2018	27101	SAYWARD, MADISON E.	696		389.11
11/10/2018	PC	11/16/2018	27102	ZIPP, BRANDON M.	697		472.32
11/10/2018	PC	11/16/2018	27103	ROSENTHAL, GABRIEL M	698		305.69

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
11/10/2018	PC	11/16/2018	27104	KNORR, KENT J.	700		1,866.41
11/10/2018	PC	11/16/2018	27105	ANZELL, BETH A.	702		870.45
11/10/2018	PC	11/16/2018	27106	KLOOSTER, PATRICK H.	743		108.32
11/10/2018	PC	11/16/2018	27107	HEID, THOMAS J	802		1,315.38
11/10/2018	PC	11/16/2018	27108	LEESE, ALAN K.	835		330.98
11/10/2018	PC	11/16/2018	27109	MASSON, DONALD J.	861		406.92
11/10/2018	PC	11/16/2018	27110	LIVINGSTON, BRIAN D.	866		239.12
11/10/2018	PC	11/16/2018	27111	WYMAN, MATTHEW A.	927		1,446.14
11/10/2018	PC	11/16/2018	27112	MILLER, WILLIAM S.	933		1,221.90
11/10/2018	PC	11/16/2018	27113	DOUGLAS, MARK	935		583.29
11/10/2018	PC	11/16/2018	27114	PRIOR, ERIN C.	938		469.59
11/10/2018	PC	11/16/2018	27115	CERTA, BRIAN	939		524.56
11/10/2018	PC	11/16/2018	27116	MCMULLEN, DONALD R.	1000		1,466.58
11/10/2018	PC	11/16/2018	27117	SILVA, JESSE L.A.	1001		1,324.55
11/10/2018	PC	11/16/2018	27118	TRAVERS, MANUEL J.	1010		1,884.99
11/10/2018	PC	11/16/2018	27119	STEVENS, JEFFREY W.	1028		259.54
11/10/2018	PC	11/16/2018	27120	RILEY, CASEY W.	1052		976.49
11/10/2018	PC	11/16/2018	27121	JONES, LARRY M.	1057		350.75
11/10/2018	PC	11/16/2018	27122	WILLSON, BRENDA R.	1059		2,090.69
11/10/2018	PC	11/16/2018	27123	BEAN, PETER J.	1060		1,937.37
11/10/2018	PC	11/16/2018	27124	RILEY, REBECCA J.	1063		459.12
11/10/2018	PC	11/16/2018	27125	ERWIN, RACHELLE L.	1066		233.42
11/10/2018	PC	11/16/2018	27126	RILEY, DANIEL A.	1102		1,107.88
11/10/2018	PC	11/16/2018	27127	WHEELER, MICHAEL W.	1103		1,514.76
11/10/2018	PC	11/16/2018	27128	SNYDER, CORY G.	1104		665.35
11/10/2018	PC	11/16/2018	27129	PEARSALL, KRISTA M.	1105		251.65
11/10/2018	PC	11/16/2018	27130	DRAKE, WILLIAM F.	1106		1,323.58
11/10/2018	PC	11/16/2018	27131	JOHNSON, MELISSA A.	1107		1,777.35
11/10/2018	PC	11/16/2018	27132	AZZOPARDI, ANTHONY J	1108		1,613.31
11/10/2018	PC	11/16/2018	27133	DEKORNE, ELIZABETH A.	1109		435.91
11/10/2018	PC	11/16/2018	27134	VOUSBOUKIS, AUTUMN	1110		73.11
11/10/2018	PC	11/16/2018	27135	MCRANEY, RUSSELL R.	1111		39.65
11/10/2018	PC	11/16/2018	27136	FILIPIAK, CHRISTOPHER	1112		96.90
11/10/2018	PC	11/16/2018	27137	BELMONTE, ANTONIO F.	1113		135.19
11/10/2018	PC	11/16/2018	27138	CARLSON, JOANNE E.	2007		60.00
11/10/2018	PC	11/16/2018	27139	COLT, JUDITH C.	2018		80.00
11/10/2018	PC	11/16/2018	27140	FRANCIS, CATHERINE A.	2029		77.50
11/10/2018	PC	11/16/2018	27141	HUNTLEY, ROSALYNN R.	2031		80.00
11/10/2018	PC	11/16/2018	27142	GORDON, JUDITH A.	2036		80.00
11/10/2018	PC	11/16/2018	27143	DALY, SUZETTE M.	2040		194.00
11/10/2018	PC	11/16/2018	27144	DUERR, JANE R.	2042		80.00
11/10/2018	PC	11/16/2018	27145	GIBSON, SHIRLEY J.	2043		75.00
11/10/2018	PC	11/16/2018	27146	HERDER, DIANE M.	2044		162.75
11/10/2018	PC	11/16/2018	27147	OHALLORAN, LINDA J.	2045		155.00
11/10/2018	PC	11/16/2018	125233	WHITLEY, ANDREW T.	522		1,491.70
11/10/2018	PC	11/16/2018	125234	MORRISON, KEVIN P.	601		1,026.13
11/10/2018	PC	11/16/2018	125235	BISHAW, JAMES H.	633		656.72
11/10/2018	PC	11/16/2018	125236	GILL, DAVID R.	856		1,133.36
11/10/2018	PC	11/16/2018	125237	DROST, PATRICIA A.	2002		84.00
11/10/2018	PC	11/16/2018	125238	RUDOLPH, JOELLEN B.	2008		77.50
11/10/2018	PC	11/16/2018	125239	LEFT, LILLIAN M.	2010		70.00
11/10/2018	PC	11/16/2018	125240	BUDAY, JOAN E.	2011		130.00
11/10/2018	PC	11/16/2018	125241	CAMPBELL, KAREN L.	2013		70.00
11/10/2018	PC	11/16/2018	125242	PICOTTE, DIANE M.	2016		155.00
11/10/2018	PC	11/16/2018	125243	LALEWICZ, AMELIA M.	2034		81.38
11/10/2018	PC	11/16/2018	125244	CIUK, JULIA A.	2035		130.00

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
Grand Totals:			113				102,796.97



Report Criteria:

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

Check Number	Payee	Amount
11/20/2018		
125253	ACE HARDWARE	1,730.39
125254	AIS CONSTRUCTION EQUIPMENT	147,595.61
125255	ALTEC INDUSTRIES INC	264.98
125256	AMERICAN WASTE INC.	3,415.56
125257	AT YOUR SERVICE PLUS INC	279.00
125258	AUTO VALUE	2,155.80
125259	AVFUEL CORPORATION	28,608.48
125260	B & L SOUND INC	159.97
125261	BARUZZINI GENERAL CONTRACTOR	4,520.00
125262	BERGMANN CENTER	2,310.40
125263	BLUETARP FINANCIAL	39.99
125264	BRADFORD'S	68.00
125265	BS& A SOFTWARE	1,162.00
125266	CAPTAIN'S CORNER LLC	51.83
125267	CAPTAIN'S CORNER LLC	4.80
125268	CARLSON, NORMAN	100.00
125269	CARQUEST OF CHARLEVOIX	1,592.03
125270	CCP INDUSTRIES INC	273.23
125271	CENTRAL DRUG STORE	78.20
125272	CHARLEVOIX COUNTY	3,244.80
125273	CHARLEVOIX SCREEN MASTERS INC	50.00
125274	CHARLEVOIX SEWER & DRAIN	1,448.00
125275	CHEMICAL SYSTEMS INC.	3,360.00
125276	CINTAS CORPORATION #729	56.76
125277	CITY OF CHARLEVOIX - UTILITIES	34,602.90
125278	CROSS III, JOHN H.	6,500.00
125279	DCL INC.	7,886.91
125280	DELL MARKETING L P	1,006.17
125281	DHASELEER, CARL	70.00
125282	DORAN, JUSTIN J.	129.31
125283	DOTSON, LINDSEY J.	761.60
125284	DRAVES, MARTIN J.	299.81
125285	ECONO SIGNS LLC	584.12
125286	EJ USA INC.	512.46
125287	ELHORN ENGINEERING COMPANY	1,610.00
125288	ELLSWORTH FARMER'S EXCHANGE	125.50
125289	ENERGIS HIGH VOLTAGE RESOURCE	1,528.00
125290	FARMER WHITE'S	36.00
125291	FASTENAL COMPANY	7.06
125292	FOREMOST MEDICAL EQUIPMENT	786.50
125293	FOX CHARLEVOIX FORD	899.64
125294	FREEDOM MAILING SERVICES INC.	2,333.63
125295	GALLS AN ARAMARK COMPANY	988.50
125296	GERBER HOMEMADE SWEETS	18.00
125297	GIVE 'EM A BRAKE SAFETY	953.55
125298	GOLDING, JOYCE M.	61.94
125299	GREAT LAKES ENVIRONMENTAL	650.00
125300	GREENVIEW DATA INC	705.51

Check Number	Payee	Amount
125301	HACH COMPANY	1,029.75
125302	HAGGARD'S INC	1,141.42
125303	HANKINS, SCOTT A.	50.00
125304	HEYDLAUFF, MARK L.	133.90
125305	HYDRO CORP	2,850.00
125306	IDEXX DISTRIBUTION INC.	1,139.31
125307	INTERWATER FARMS INC	513.00
125308	ITP SERVICE D.O.O.	1,340.00
125309	JOE'S PROFESSIONAL SERVICES LLC	150.00
125310	JOHN E. GREEN COMPANY	869.09
125311	JONES, JANET	523.74
125312	KSS ENTERPRISES	180.20
125313	LANDSCAPE FORMS INC.	5,190.00
125314	LEELANAU COFFEE ROASTING CO IN	277.30
125315	LETTERS ONLINE	40.00
125316	LIVINGSTON, BRIAN	65.00
125317	MADDIN, RICHARD	36.00
125318	MARBURY, CHRISTINA	200.00
125319	MASSON, DONALD J.	65.94
125320	MATELSKI, KRISTEN	59.07
125321	MAYER, SHELLEY L.	54.17
125322	MCCARDEL CULLIGAN-PETOSKEY	100.00
125323	MICHAEL MURPHY IV PHOTOGRAPH	1,800.00
125324	MICHIGAN AIR COMPRESSOR TECHN	964.50
125325	MICHIGAN MUNICIPAL LEAGUE	7,127.00
125326	MICHIGAN OFFICEWAYS INC	2,648.65
125327	MICHIGAN PIPE & VALVE	254.00
125328	MICHIGAN WATER ENV ASSOC	270.00
125329	MISTRAS GROUP INC	750.00
125330	MUSTANG TOOL SERVICE	307.90
125331	MUTT MITT	933.83
125332	NORTHERN CREDIT BUREAU	401.48
125333	NORTHERN LAKES	3,500.00
125334	NORTHWEST KENT MECHANICAL CO	36,000.00
125335	OLESON'S FOOD STORES	58.62
125336	OLSON BZDOK & HOWARD	2,945.00
125337	OMS COMPLIANCE SERVICES INC	83.00
125338	OTEC	1,229.91
125339	OTSEGO CRANE & HOIST CO.	392.00
125340	OUDBIER INSTRUMENT CO	3,993.60
125341	PARASTAR INC.	4,109.06
125342	PICOTTE, DIANE	100.00
125343	PLUNKETT & COONEY	400.00
125344	POWER LINE SUPPLY	4,440.35
125345	PROVIDENCE FARM LLC	126.00
125346	PURITY CYLINDER GASES INC	236.25
125347	RANGE TELECOMMUNICATIONS	148.04
125348	RECORD AUTOMATIC DOORS INC	356.00
125349	RESCO	1,752.42

Check Number	Payee	Amount
125350	RIETH-RILEY CONST CO INC	1,375.60
125351	SIEGRIST, DAVID	134.00
125352	SPIEGEL, JOZEF	16.00
125353	STATE OF MICHIGAN	95.00
125354	STEVENS, BRANDON C.	191.84
125355	STRIKER SUPPLY	40.00
125356	SUHI, LAUREN	92.84
125357	SYSTEMS SPECIALISTS INC	6,286.00
125358	T.C. RECORD EAGLE	867.00
125359	TELE-RAD INC	927.96
125360	UNIFIRST CORPORATION	579.24
125361	USA BLUE BOOK	457.44
125362	UWC	1.19
125363	VILLAGE GRAPHICS INC.	155.00
125364	WHITLEY, ANDREW T.	299.81
125365	WILMOT ELECTRIC INC	8,712.00
125366	WORK & PLAY SHOP	186.00
Total 11/20/2018:		377,379.36
Grand Totals:		377,379.36

Check Number	Payee	Amount
11/05/2018		
110518001	MICHIGAN PUBLIC POWER AGENCY	12,725.09
110518002	PAYMENT SERVICE NETWORK INC.	249.30
Total 11/05/2018:		12,974.39
Grand Totals:		12,974.39

Check Number	Payee	Amount
11/09/2018		
110918001	DTE ENERGY	2,050.45
110918002	STATE OF MICHIGAN	18,957.10
Total 11/09/2018:		21,007.55
Grand Totals:		21,007.55

Check Number	Payee	Amount
11/13/2018		
111318001	MICHIGAN PUBLIC POWER AGENCY	10,613.42
Total 11/13/2018:		10,613.42
Grand Totals:		10,613.42

Check Issue Date	Check Number	Payee	Amount
111618001			
11/16/2018	11161800	**EFTPS* Payroll Taxes	9,589.04
11/16/2018	11161800	**EFTPS* Payroll Taxes	9,589.04
11/16/2018	11161800	**EFTPS* Payroll Taxes	2,242.57
11/16/2018	11161800	**EFTPS* Payroll Taxes	2,242.57
11/16/2018	11161800	**EFTPS* Payroll Taxes	11,966.86
Total 111618001:			
	5		35,630.08
111618002			
11/16/2018	11161800	Alerus Financial	400.00
Total 111618002:			
	1		400.00
111618003			
11/16/2018	11161800	STATE OF MICHIGAN	5,374.87
Total 111618003:			
	1		5,374.87
111618004			
11/16/2018	11161800	Vantagepoint - 401 Plan 109153	802.64
Total 111618004:			
	1		802.64
111618005			
11/16/2018	11161800	Vantagepoint - 457 Plan 300959	6,372.15
11/16/2018	11161800	Vantagepoint - 457 Plan 300959	1,849.24
11/16/2018	11161800	Vantagepoint - 457 Plan 300959	3,751.19
11/16/2018	11161800	Vantagepoint - 457 Plan 300959	7,118.32
Total 111618005:			
	4		19,090.90
111618006			
11/16/2018	11161800	Vantagepoint - Roth IRA 706117	936.53
Total 111618006:			
	1		936.53
Grand Totals:			
	13		62,235.02

dm

Check Number	Payee	Amount
11/20/2018		
3147	CHARLEVOIX COUNTY TREASURER	20,870.02
3148	CHARLEVOIX PUBLIC SCHOOLS	12,717.83
3149	CHARLEVOIX PUBLIC SCHOOLS	4,034.16
3150	CHARLEVOIX PUBLIC SCHOOLS	249.55
3151	CHARLEVOIX PUBLIC SCHOOLS	998.47
3152	CITY OF CHARLEVOIX - TAXES DUE	24,243.46
Total 11/20/2018:		63,113.49
Grand Totals:		63,113.49

CHECKS DRAWN ON CHARLEVOIX STATE BANK ACCOUNT

CHARLEVOIX CITY COUNCIL

Consent Agenda

TITLE: November 2018 Local Election Results

DATE: November 19, 2018

BACKGROUND:

The November 2018 local election results are as follows:

- MAYOR: Luther Kurtz 973 vs Gabe Campbell 383
- WARD 1: Janet Kalbfell 294 vs Jodi Laurent 170
- WARD 2: Tom Oleksy 220 vs Greg Stevens 156
- WARD 3: Shane Cole 268 vs Rick Wertz 158

RECOMMENDATION:

Accept the November 2018 local election results as presented.

ATTACHMENTS:

- ▣ Board of Canvassers Certification

STATE OF MICHIGAN)
CHARLEVOIX COUNTY)

CITY OF CHARLEVOIX

The Board of Canvassers of the County of Charlevoix having ascertained and canvassed the votes at the General Election do **Hereby Certify and Determine** that:

The whole number of votes given for the office of Mayor was One Thousand three hundred fifty-six and they were given for the following named persons.

Persons receiving the votes:

Gabe Campbell Three hundred eighty-three-----(383)

Luther Kurtz Nine hundred seventy-three-----(973)

Luther Kurtz having received a sufficient number of votes is elected for the office of Mayor for the City of Charlevoix.

The whole number of votes given for the office of Ward 1 Council Member was Four hundred sixty-four and they were given for the following named persons.

Persons receiving the votes:

Jodi Laurent One hundred Seventy-----(170)

Janet Kalbfell Two Hundred ninety-four-----(294)

Janet Kalbfell having received a sufficient number of votes is elected for the office of Ward 1 Council Member for the City of Charlevoix.

The whole number of votes given for the office of Ward 2 Council Member was Three hundred seventy-six and they were given for the following named persons.

Persons receiving the votes:

Tom Oleksy Two hundred twenty-----(220)

Greg Stevens One Hundred fifty-six-----(156)

Tom Oleksy having received a sufficient number of votes is elected for the office of Ward 2 Council Member for the City of Charlevoix.

The whole number of votes given for the office of Ward 3 Council Member was Four hundred Twenty-six and they were given for the following named persons.

Persons receiving the votes:

Shane D. Cole Two hundred Sixty-eight-----(268)

Rick Wertz One hundred fifty-eight-----(158)

Shane D. Cole having received sufficient number of votes is hereby elected Ward 3 Council Member for the City of Charlevoix.

We do hereby **Certify**, that the attached is a correct statement of the votes given in the County of Charlevoix, City of Charlevoix, Precinct # 18, #19, and #20 for the proposal (if any) named in such statement and for any persons designated therein, at the General Election held on the 6th day of November in the year Two thousand eighteen.

In Witness Whereof, We have hereunto set our hands and caused to be affixed the Seal of the Circuit Court of CHARLEVOIX this 7th day of November 2018.

SEAL

Tom C. Metzger
Phyllis Haggard
Diane M. Bajko
J A R

ATTEST:

Cheryl D. Broeze
CLERK OF THE BOARD OF COUNTY CANVASSERS

CHARLEVOIX CITY COUNCIL

Consent Agenda

TITLE: Michigan Local Agency Pavement Warranty Program

DATE: November 19, 2018

BACKGROUND:

In 2015, the Michigan legislature created a requirement that local road agencies, like us, adopt and implement a pavement warranty program for all projects above \$2 million for the pavement portion of the project. We routinely have a warranty program with paving contractors but this program would apply to very large projects. Approving the attached resolutions will satisfy the State requirements ahead of the September 2019 deadline.

RECOMMENDATION:

Motion to approve Resolution 2018-11-03 and Resolution 2018-11-04 to adopt and implement a local agency Pavement Warranty Program.

ATTACHMENTS:

- ▣ Resolution 2018-11-03
- ▣ Resolution 2018-11-04

CITY OF CHARLEVOIX
RESOLUTION NO. 2018-11-03
ADOPT LOCAL PAVEMENT WARRANTY PROGRAM

WHEREAS, the Michigan Legislature (MCL 247.663) requires each city or village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018; and

WHEREAS, the Michigan Local Agency Pavement Warranty Program was developed by the Local Agency Pavement Warranty Task Force for use by all 533 cities and villages in the format approved by the Michigan Department of Transportation in 2018; and

WHEREAS, the Michigan Department of Transportation has reviewed and approved the Michigan Local Agency Pavement Warranty Program consisting of Special Provisions (Boilerplate, Concrete, HMA, Location, Pass-Through Warranty Bond); a Warranty Bond Form and Contract Form; and Guidelines for Local Agency Pavement Warranty Programs.

NOW THEREFORE BE IT RESOLVED, the City of Charlevoix hereby adopts the Michigan Local Agency Pavement Warranty Program and accompanying documents in accordance to the requirements of MCL 247.663; and

BE IT FURTHER RESOLVED, this resolution is made a part of the minutes of the City of Charlevoix City Council meeting on November 19, 2018.

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

Resolution was adopted by the following yeas and nays vote:

Yeas:

Nays:

CITY OF CHARLEVOIX
RESOLUTION NO. 2018-11-04
IMPLEMENT LOCAL PAVEMENT WARRANTY PROGRAM

- WHEREAS,** the Michigan Legislature created a requirement (MCL 247.663) as part of the Transportation Funding Package of 2015 that requires each city and village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018; and
- WHEREAS,** the City of Charlevoix adopted the Michigan Local Agency Pavement Warranty Program on November 19, 2018; and
- WHEREAS,** the City of Charlevoix agrees to consider a local pavement warranty on each project that includes \$2 million or more in paving-related items *and* includes any state or federal funds; and
- WHEREAS,** the Local Agency Pavement Warranty Program law requires each city and village to report annually on each project that includes \$2 million or more in paving-related items *and* includes any state or federal funds, whether or not a warranty was utilized in the project; and
- WHEREAS,** the City of Charlevoix agrees to implement the Michigan Local Agency Pavement Warranty Program consistent with the Guidelines for Local Agency Pavement Warranty Program document that was approved by the Michigan Department of Transportation in 2018; and which the City of Charlevoix's adopted Implementation Policy defines the City's intent of its pavement warranty program.

NOW THEREFORE BE IT RESOLVED, the City of Charlevoix hereby agrees to implement the Local Agency Pavement Warranty Program and annually report in accordance with the law.

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

Resolution was adopted by the following yeas and nays vote:

Yeas:

Nays:

CHARLEVOIX CITY COUNCIL

Consent Agenda

TITLE: Taxiway A Rehabilitation: Final Payment

DATE: November 19, 2018

BACKGROUND:

On June 19th, 2017 City Council approved the Taxiway Alpha Improvement and Lighting Rehabilitation project. Until now, the State of Michigan has paid final invoices prior to project close out. Due to a recent change in accounting practices for the State, it is now the responsibility of the Sponsor to pay the final invoices. As part of the final project close out, the Sponsor can then submit for reimbursement of these funds.

The final payment amount for this project is \$72,289.22. This payment is a combination of two invoices: RS&H \$13,220.00 and Team Elmer's \$59,069.22.

RECOMMENDATION:

Motion to approve final payment to RS&H in the amount of \$13,220.00 and Team Elmer's in the amount of \$59,069.22 for the Taxiway A Improvement and Lighting Rehabilitation Project.

CHARLEVOIX CITY COUNCIL

All Other Actions and Requests

TITLE: MDOT Annual Permit

DATE: November 19, 2018

PRESENTED BY: Mark L. Heydlauff, City Manager

BACKGROUND:

Annually, we file a permit request with MDOT for a variety of events and activities we know will occur within the MDOT right of way on US 31 and M-66. This includes mundane and necessary activities like tree pruning, maintenance, and electrical line work and also special event focused things like petunia planting and weeding, festivals, and parades. We try to include as many special events in the year as we know to expect when we file this permit. As Council directed after Apple Fest this fall, we have also included closures of Bridge Street for the following events:

RECOMMENDATION:

Motion to approve the MDOT Annual Performance Resolution 2018-11-05 and direct the City Manager to advise event organizers of street closure plans for 2019.

ATTACHMENTS:

- ▣ 2019 Proposed Road Closure Events
- ▣ Resolution 2018-11-05

2019 Road Closure Events

May 25, Top of Michigan Community Marathon (Lane shift-7:15 am-10:00 am)

May 27, Memorial Day Parade (Parade Detour 9:50 am-10:30 am)

June 22, Charlevoix Marathon (Lane shift 6:00 am-1:00 pm)

July 13 & 14, Charlevoix Art & Craft Fair (Full closure; routing to State Street 7:00 am Sat-7:00 am Mon) (Boyne Thunder Weekend)

July 20-28, Venetian Festival (Full closure; routing to State Street)

5:30 pm Wed-1:00 am Thurs

5:30 pm Thurs-1:00 am Fri

5:30 pm Fri-1:00 am Sun

August 10, Waterfront Art Fair (Full closure; routing to State Street 7:00 am- 8:00 pm)

October 11-13, Applefest (Full closure; routing to State Street 7:00 am Fri-5:00 pm Sun)

November 29, Holiday Parade & Tree Lighting Celebration (Parade Detour 5:15 pm-6:15 pm)

December 31, Bridge Drop (Temporary traffic stoppage-no detour 11:50 pm-12:10 am)

CITY OF CHARLEVOIX
RESOLUTION NO. 2018-11-05
PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES

RESOLVED WHEREAS, the City of Charlevoix hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the GOVERNMENTAL AGENCY is performed by a contractor, the GOVERNMENTAL AGENCY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the GOVERNMENTAL AGENCY. Failure of the GOVERNMENTAL AGENCY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.
4. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
5. The GOVERNMENTAL AGENCY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.
6. With respect to any activities authorized by a PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

7. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

8. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY:

City Manager Mark L. Heydlauff
Electric Superintendent Don Swem
DPW Superintendent Patrick Elliott
City Clerk Joyce Golding.

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

Resolution was adopted by the following yeas and nays vote:

Yeas:

Nays:

CHARLEVOIX CITY COUNCIL

All Other Actions and Requests

TITLE: Organizational Meeting

DATE: November 19, 2018

PRESENTED BY: Joyce M. Golding, City Clerk

BACKGROUND:

Section 2.15 of the City Charter requires that Council hold an organizational meeting at the first meeting of the Council after the November General Election. The meeting shall be held for the purpose of organization at the usual place for holding meetings of the legislative body of the City. Council is asked to consider the following items:

Meeting time -- The regular meetings of the Council shall be held at least twice each month. These meetings shall be held at the City Hall unless otherwise provided. The *Rules of Procedure for City Council*, Rule 1c sets the meetings as the first and third Mondays of the month at 6:00 p.m., unless Monday is a legal holiday, at which point the meeting moves to the following Tuesday at 6:00 p.m. The City Charter allows the Council to set the day and time of its meetings. If Council would like to change its meeting dates and times, a resolution would need to be drafted to amend the Rules of Procedure. Any change would not take place until January 2019, but a decision needs to be made now in order for the Clerk to meet required posting and advertising deadlines for the coming year.

One additional complication for meetings this coming year is the second meeting in October. The City Manager traditionally attends the ICMA Annual Conference which in 2019 will run October 20-23 meaning he would either be absent from the conference or the meeting. We would propose the second meeting that month be held early on October 17.

Deputy Mayor -- Section 2.9 of the City Charter requires that the Council elect one of its members to serve as Deputy Mayor at the organizational meeting of the Council. The Deputy Mayor shall serve until the next organizational meeting of the Council or until a successor takes office. Council member Cole currently serves as Deputy Mayor.

RECOMMENDATION:

Motion to set 2019 City Council meetings for the first and third Mondays of the month (with the exception of October meetings on the 7th and 17th) at 6:00 p.m .

Motion to appoint (re-appoint) *Name* as Deputy Mayor.

CHARLEVOIX CITY COUNCIL

All Other Actions and Requests

TITLE: Council Appointments

DATE: November 19, 2018

PRESENTED BY: Joyce M. Golding, City Clerk

BACKGROUND:

Council needs to appoint two Council members to the Board of Review for one year terms. Council members Kalbfell and Perron are incumbents.

Per the Volunteer Board and Committee Appointment Policy, open memberships were advertised. Tim Kish requested re-appointment to the Zoning Board of Appeals. This is a Council appointment for a three year term. No other applications were received.

RECOMMENDATION:

Motion to appoint/re-appoint *Council member* to the Board of Review, term expiring November 2019.

Motion to appoint/re-appoint *Council member* to the Board of Review, term expiring November 2019.

Motion to appoint/re-appoint *name* to the Zoning Board of Appeals, term expiring December 31, 2021.

CHARLEVOIX CITY COUNCIL

Reports and Communications

TITLE: City Manager's Comments

DATE: November 19, 2018

BACKGROUND:

A. Grant News

We were successful in a grant request to the Charlevoix County Community Foundation for \$5,000 for the Big Belly Waste Disposal Units. This should cover half the cost to purchase one; we'll be working this winter to make this acquisition.

The Rotary Club of Charlevoix received a grant to make improvements at Rotary Park on Carpenter Avenue at the ballfields. This work will be completed at the spring and will include replacement slides and new benches along with a new piece of play equipment.

Recreation Director Kent Knorr is working closely with the Leadership Charlevoix County class on the prospect of partnering with them to bring accessible kayak launches to one or more of our Lake Charlevoix beaches. We will keep you informed on this progress.

The Tip of the Mitt Watershed Council was not successful in it's attempt to secure funding for shoreline reconstruction work. We had pitched the idea of partnership with them at Ferry Beach.

B. Recreational Marijuana

Please be sure to read the update information I've provided attached to this report regarding Recreational Marijuana.

ATTACHMENTS:

- ❑ Recreational Marijuana Memo
- ❑ MML Whitepaper on Recreational Marijuana
- ❑ Networks Northwest Tourism Conference
- ❑ Planning Commission Minutes



MEMO

TO: The Honorable Mayor Kurtz and the Charlevoix City Council
FROM: Mark L. Heydlauff, City Manager
DATE: November 15, 2018
RE: Recreational Marijuana

As you know on November 6, Michigan voters approved the Michigan Regulation and Taxation of Marihuana Act (MRTMA). This initiated law intends to create regulations for marijuana similar to existing statute for the regulation of alcohol. This law is separate from the Michigan Medical Marihuana Act (MMMA) which was an initiated law approved by voters in 2008. I attended a meeting hosted by the Michigan Municipal League last week in Sault Ste. Marie where Christopher Johnson, General Counsel of the Michigan Municipal League, gave an overview of the law and considerations for cities and villages.

For the City's consideration, there are two key facets of the law with which you should be familiar. First, when the law goes into effect (most likely in early December), the possession, transportation and sharing of small amounts of marijuana will be legal under Michigan law (though not under federal law). Additionally the growing and maintaining of a number of plants per person in a home will also be legal. The City may not further regulate these actions beyond what this law may permit.

More consequential for the City, however, is the portion of the law contemplating Marihuana establishments. In this area, the City does have latitude in how it operates. There are several classifications of establishments and each may conduct certain enterprises. These establishments will be required to receive licenses both from the State and also from the municipality in which they wish to operate. The MRTMA gives the state one year from the implementation date of the Act to promulgate rules for establishments. As such, it is not expected the State will grant any establishment licenses before December 1, 2019. The City can chose to opt-out of allowing establishments or place certain but not unreasonable restrictions on a number or unlimited number of establishments. This is the central question the Council should contemplate.

Under the MMMA, the City had to affirmatively opt-in to allow provisioning centers; we have taken no action to do so. In the MRTMA, the City will need to affirmatively opt-out by ordinance, create an ordinance allowing establishments with or without a limitation in number, or do nothing which could prompt action for initiated ordinances or chaotic regulation under state law. I would strongly recommend Council consider either an ordinance to opt-out or an ordinance to regulate a limited number of establishments. Beyond this, it is a public policy question for Council to consider how it wishes to allow the commercial sale of marijuana in the community. I believe it would be prudent for Council to schedule a work session with the City Attorney at some point in the near future to discuss this topic and weigh the options going forward. In the meantime, I'm including a white paper from the Michigan Municipal League (written before the vote) that describes in greater detail some of the points of consideration. It is expected that the courts will adjudicate many questions in the years ahead since many portions of the law are ambiguous.



Recreational Marihuana Proposition



michigan municipal league

We love
where you live.

This paper is being provided by the
Michigan Municipal League (MML) to
assist its member communities.

The MML Legal Defense Fund authorized its preparation by Kalamazoo City Attorney Clyde Robinson. The document does not constitute legal advice and the material is provided as information only. All references should be independently confirmed.

The spelling of “marihuana” in this paper is the one used in the Michigan statutes and is the equivalent of “marijuana.”

Other resources

The Michigan Municipal League has compiled numerous resource materials on medical marihuana and is building its resources on recreational marihuana. They are available via the MML web site at:
www.mml.org/resources/information/mi-med-marihuana.html

Introduction

This paper is intended to provide municipal attorneys and their clients an idea of what to expect and the issues to be addressed should Michigan voters approve a proposal to legalize marijuana on November 6, 2018. The scope of this paper will outline the provisions of the initiated proposal and address some of the practical consequences for municipalities while raising concerns that local governmental officials should be prepared to confront in the event the proposal is adopted. It is assumed that the reader has a working knowledge of both the Michigan Medical Marijuana Act (MMMA), MCL 333.26421 *et seq.*, and in particular, the Michigan Marijuana Facilities Licensing Act (MMFLA), MCL 333.27101 *et seq.*

While the proposed initiated law, titled the Michigan Regulation and Taxation of Marijuana Act (MRTMA), uses some of the same terms found in the MMFLA, the language between the two Acts is not consistent. This circumstance alone, as well as other features of the initiated proposal, requires a thoughtful and thorough review of the language being proposed for adoption by Michigan voters and its potential impact at the local municipal level.

At its core, the MRTMA authorizes the possession and nonmedical use of marijuana by individuals 21 years of age and older while establishing a regulatory framework to control the commercial production and distribution of marijuana outside of the medical context. While the regulatory scheme of the proposed statute is similar to that of the MMFLA, it also differs in significant ways.



When would the proposed law become effective if approved?

Under the provisions of Article II, § 9 of the Michigan Constitution, an initiated law takes effect 10 days after the official declaration of the vote. The State Board of Canvassers will meet between November 20 and 27 to certify the results, so the effective date of the law will likely be near the end of the first week of December 2018. Given this relatively short period to adjust to the change in the legal status of marijuana in Michigan, law enforcement officers should be provided training in advance of the possible change so as to avoid claims of false arrest and allegations of Fourth Amendment unlawful search violations.

Another constitutional feature of a voter-initiated law is that it can only be amended by a vote of the electors or by $\frac{3}{4}$ vote of each house of the legislature. This likely makes amending the statute difficult, but not impossible, as the MMMA has been amended at least twice since its adoption by the voters in 2008.

As for the actual licensure of business authorized to grow, process, and sell recreational marijuana, the proposed Act requires that the Michigan Department of Licensing and Regulatory Affairs (LARA) begin to issue licenses no later than a year after the effective date of the law. There is no specific licensing board created to review and grant recreational marijuana establishment licenses. Given the deliberate speed of LARA and the Medical Marijuana Licensing Board in processing and authorizing licenses under the MMFLA, it is an open question whether this deadline can be met. If it can't, then the burden of licensing will fall to local municipalities, because the MRTMA specifically provides that if LARA does not timely promulgate rules or accept or process applications, "beginning one year after the effective date of this act," an

applicant may seek licensure directly from the municipality where the marijuana business will be located.

Under this scenario, a municipality has 90 days after receipt of an application to issue a license or deny licensure. Grounds for denial of a license are limited to an applicant not being in compliance with an ordinance whose provisions are not "unreasonably impracticable" or a LARA rule issued pursuant to the MRTMA. If a municipality issues a license under these circumstances, it must notify LARA that a municipal license has been issued. The holder of a municipally-issued license is not subject to LARA regulation during the term of the license; in other words, the municipality becomes the licensing and regulatory body for recreational marijuana businesses in the community.

What does the proposed initiated statute seek to do?

The purposes actually stated in the MRTMA are many and varied. In addition to legalizing the recreational use of marijuana by persons 21 years and older, the proposed statute at Section 2 seeks to 1) legalize industrial hemp (cannabis with a THC concentration not exceeding 0.3 percent), and 2) license, regulate, and tax the businesses involved in the commercial production and distribution of nonmedical marijuana. According to the text of the proposal, the intent of the law is to:

- prevent arrest and penalty for personal possession and cultivation of marijuana by adults 21 years of age and older;
- remove the commercial production and distribution of marijuana from the illicit market;
- prevent revenue generated from commerce and marijuana from going to criminal enterprises or gangs;

- prevent the distribution of marihuana to persons under 21 years of age;
- prevent the diversion of marihuana to illicit markets;
- ensure the safety of marihuana and marihuana infused products; and
- ensure the security of marihuana establishments.

Whether the proposal will actually live up to all of these intentions is open to question as many of the areas mentioned are not directly addressed in the proposed law. For instance, since the establishments that will be authorized to grow, process, and sell recreational marihuana may not receive licensure for another year, how is it that individuals can lawfully obtain and possess marihuana upon the effective date of the proposed Act?

What the proposed statute permits

Under Section 5 of the MRTMA, persons 21 years of age and older are specifically permitted to:

- possess, use, consume, purchase, transport, or process 2.5 ounces or less of marihuana, of which not more than 15 grams (0.53 oz.) may be in the form of marihuana concentrate;
- within a person's residence, possess, store, and process not more than a) 10 ounces of marihuana; b) any marihuana produced by marihuana plants cultivated on the premises; and c) for one's personal use, cultivate up to 12 plants at any one time, on one's premises;
- give away or otherwise transfer, without remuneration, up to 2.5 ounces of marihuana except that not more than 15 g of marihuana may be in the form of marihuana concentrate, to a person 21 years of age or older as long as the transfer is not advertised or promoted to the public;
- assist another person who is 21 years of age or more in any of the acts described above; and

- use, manufacture, possess, and purchase marihuana accessories and distribute or sell marihuana accessories to persons who are 21 years of age and older.

Although not a direct concern of municipalities, law enforcement and social service agencies need to be cognizant that the Act specifically provides that "a person shall not be denied custody of or visitation with the minor for conduct that is permitted by the act, unless the person's behavior such that it creates an unreasonable danger to the minor they can be clearly articulated and substantiated." MRTMA § 5. Exactly what this phrase means will likely be a source of litigation in the family division of the circuit courts.

The possession limits under the MRTMA would be the most generous in the nation. Most other states that have legalized marihuana permit possession of only one ounce, limit the number of plants to four to six, and do not permit possession of an extra amount within one's residence. An additional concern arises as to how these limits will be applied. It will be argued that the limits are "per every individual age 21 or older who resides at the premises." So these amounts are ostensibly doubled for a married couple, and perhaps quadrupled or more for a group of college students or an extended family sharing a residence. While this same concern is also present under the MMMA, the quantity of marihuana permitted to be possessed under the MMMA is significantly less than under the MRTMA, and lawful possessors (patients and caregivers) are required to be registered with the State.

Further, the MRTMA does not neatly fit with the MMMA. It only says at Section 4.2 that it "does not limit any privileges, rights, immunities or defenses of a person as provided" by the MMMA. This raises the question whether registered patients and caregivers may lawfully possess marihuana exceeding the amounts permitted under the MMMA. However, this may become a moot point, since in all probability, if the MRTMA is adopted, the number of registered patients and caregivers under the MMMA could reasonably be expected to drop significantly, as its practical application would largely be limited to registered patients under the age of 21 and their caregivers.

What is “not authorized” under the proposed statute

The proposed initiated law does not set forth outright prohibitions, but instead, cleverly explains what is *not* authorized. Specifically, under the terms of Section 4 of the proposal, one is not authorized to:

- operate while under the influence of marihuana or consume marihuana while operating a motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat, or smoke marihuana while in the passenger area of the vehicle on a public way;
- transfer marihuana or marihuana accessories to a person under the age of 21;
- process, consume, purchase, or otherwise obtain, cultivate, process, transport, or sell marihuana if under the age 21;
- separation of plant resin by butane extraction or other method that utilizes a substance with the flashpoint below 100° Fahrenheit in any public place, motor vehicle, or within the curtilage of any residential structure (This prohibition is actually broader than the one limited solely to butane extraction found in the MMA);
- consume marihuana in a public place or smoke marihuana where prohibited by a person who owns, occupies, or manages property; however, a public place does not include an area designated for consumption within the municipality that has authorized consumption in a designated area not accessible to persons under 21 years of age;

- cultivate marihuana plants if plants are visible from a public place without the use of binoculars aircraft or other optical aids or outside of an enclosed area equipped with locks or other functioning security devices that restrict access;
- possess marihuana accessories or possess or consume marihuana on the grounds of a public or private school where children attend preschool, kindergarten, or grades one through 12; in a school bus; or on the grounds of any correctional facility; and
- possess more than 2.5 ounces of marihuana within a person’s place of residence unless any excess marihuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.

MRTMA § 4.5 then provides that “All other laws inconsistent with this act do not apply to conduct that is permitted by this act.” This general statement does not provide for a total repeal of existing marihuana laws, but its lack of specificity to other statutes being impacted, something that the Legislative Service Bureau helps the Legislature avoid, may portend problems in its application.



Differences in Terminology

The lack of consistency between those statutes addressing medical marihuana and the proposed recreational marihuana statute were alluded to at the beginning of this article; the following chart points out some of those differences.

Key Differences between Medical Marihuana and Proposed Recreational Marihuana Statutes			
	MMFLA	MMMA	Proposed MRTMA
Grower Limits			
Class A	500 plant limit		100 plant limit (limited to Michigan residents for first two years)
Class B	1000 plant limit		500 plant limit
Class C	1500 plant limit; stackable		2000 plant limit; not clear if stackable
Microbusiness	-----		150 plant limit (limited to Michigan residents for first two years)
Secure Transporter	Required to move marihuana between licensed facilities; may move money		No specific requirement to use; no authority to transport money
Compliance with Marihuana Tracking Act	Required		No reference or requirement
Plant Resin Separation	-----	Butane extraction prohibited in a public place, motor vehicle, or inside a residence or within curtilage of a residential structure or in a reckless manner	Butane extraction or another method that utilizes a substance with a flashpoint below 100° F prohibited in a public place, motor vehicle, or within curtilage of any residential structure

Key Differences between Medical Marihuana and Proposed Recreational Marihuana Statutes

	MMFLA	MMMA	Proposed MRTMA
Possession Limits			
Registered Patient (18 years and older, but can be less than 18)		2.5 oz. useable marihuana & 12 plants*	
Registered Caregiver (5 patient limit)		2.5 oz. useable marihuana & 12 plants per patient*	
Other Persons (21 years and older under MRTMA)		Not permitted	(a) 2.5 oz. of marihuana, of which not more than 15 grams may be concentrate; (b) 10 oz. within one's residence; (c) any amount produced by plants cultivated on the premises; and (d) 12 plants
Inconsistent Terms			
Licensed marihuana businesses	marihuana facility		marihuana establishment
Equipment to grow, process or use marihuana	paraphernalia		marihuana accessories
Business that sells marihuana	provisioning center		marihuana retailer
Certain parts of marihuana plant	Usable marihuana and usable marihuana equivalencies		Term not used
Marihuana-infused products	Excludes products consumed by smoking; exempts products from food law		Does not exclude products consumed by smoking or provide food law exemption

Key Differences between Medical Marihuana and Proposed Recreational Marihuana Statutes			
	MMFLA	MMMA	Proposed MRTMA
Inconsistent Terms			
Enclosed, locked facility			Container or area with a person's residence equipped with locks or other functioning security device that restricts access to the area or container's contents
Limitations on scope of local regulation			"Unreasonably Impracticable"
Zoning	Municipalities specifically authorized to zone, but growers limited to industrial, agricultural, or unzoned areas	Municipalities may not limit caregiver operations to residential districts as a "home occupation" <i>Deruiter v Byron Twp.</i> (2018)	Municipal regulation limited to: (a) reasonable sign restrictions; (b) time, place, and manner of operation of marihuana establishments and the production, manufacture, sale, and display of marihuana accessories; and (c) authorizing sale of marihuana for consumption in designated areas or at special events
Taxation	3 percent on gross retail receipts of provisioning centers		10 percent on sales price for marihuana sold or transferred by marihuana retailers and micro businesses

*Under § 8 of the MMMA a patient and patient's caregiver may also collectively possess a quantity of marihuana that is not more than reasonably necessary to ensure an uninterrupted availability of marihuana for the purpose of treatment.

What may a municipality do?

Unlike the MMFLA, where municipalities must “opt in,” under the MRTMA, a municipality must “opt out.” The proposed statute permits a municipality to “completely prohibit” or “limit the number of marihuana establishments.” Given the language used in Section 6, a municipality should not rely upon prior ordinances or resolutions adopted in response to the MMFLA, but should affirmatively opt out of the MRTMA or set limits by ordinance, not by resolution. Further, by petition signatures of qualified electors of the municipality in an amount greater than 5 percent of votes cast for governor in the most recent gubernatorial election, may initiate an ordinance to completely prohibit or provide for the number of marihuana establishments within the municipality.

The initiative language in the MRTMA is problematic. Given the wording, it cannot be assumed that voters can initiate an ordinance to “opt in” should the local governing body choose to exempt the municipality from the Act. Rather, the initiative options are either to “completely prohibit” or “limit the number” of marihuana establishments. It is an open question whether the initiative authority to provide for the number of establishments could be an avenue for voters to override a governing body’s action, by ordinance or resolution, to “opt out” of the statute. Additionally, the vague wording of the statute leaves it open to question as to whether an initiative providing for the number of marihuana establishments must (or should) set forth proposed numbers or limits for each separate type of marihuana establishment.

An opt out for recreational marihuana will impact existing medical marihuana facilities in a municipality because for the first 24 months of the Act, only persons holding a MMFLA license may apply for a recreational retailer, class B or C grower, or secure transporter license under the MRTMA unless after the first 12 months of accepting applications

LARA determines that additional recreational marihuana establishment licenses are needed. MRTMA §9.6.

A municipality may adopt certain other ordinances addressing recreational marihuana and recreational marihuana establishments provided that they “are not unreasonably impractical” and do not conflict with the proposed Act or any rule promulgated pursuant to the Act. The statutory definition of the redundant term “unreasonably impracticable” found at Section 3(u) almost begs to be litigated. As defined by the proposal, the term means:

“that the measures necessary to comply with the rules or ordinances adopted pursuant to this act subject licensees to unreasonable risk or require such a high investment of money, time, or any other resource or asset that a reasonably prudent business person would not operate the marihuana establishment.”

Presumably “unreasonably impracticable” regulations would pass judicial muster. Unfortunately, given that the possession, cultivation, processing, and sale of marihuana remains a crime under federal law, how does one assess an “unreasonable risk” or determine what constitutes such a high investment of time or money so as to deter a reasonably prudent business person from going forward? Further, does this definition remove the judicial deference and presumption of reasonableness that accompanies ordinances? As an aside, are “reasonably impracticable” regulations acceptable?

Specifically, an ordinance may establish reasonable restrictions on public signs related to marihuana establishments, regulate the time, place, and manner of operation of marihuana establishments, as well as the production, manufacture, sale, or display of marihuana accessories and authorize the sale of marihuana for consumption in designated areas that are not accessible to persons under 21 years of age or special events in limited areas and for a limited time.

A violation of ordinances regulating marihuana establishments is limited to a civil fine of not more than \$500. MRTMA § 6.

However, some of these regulations are problematic. The ability to establish reasonable restrictions on public signs related to recreational marihuana, being content-based, likely runs afoul of the holding in *Reed v. Town of Gilbert*, 135 S.Ct. 2218 (2015). Further, MRTMA does not, unlike the MMFLA, specifically authorize a municipality to exercise its zoning powers to regulate the location of marihuana establishments. Rather, the MRTMA authorizes ordinances that “regulate the time, place, and manner of operation of marihuana establishments.”

The use of the time, place, and manner First Amendment test on the ability of government to regulate speech is ill suited and inappropriate to the licensure and regulation of local businesses. One cannot help but believe that the choice of the time, place, and manner language was an intentional effort so as to permit marihuana establishments to heavily borrow from established legal precedent that largely circumscribes the ability of governmental authorities to restrict speech. Specifically, valid time, place, and manner type of restrictions must:

- 1) be content neutral;
- 2) be narrowly tailored to serve a significant governmental interest; and
- 3) leave open ample alternative channels for communication.

Ward v. Rock Against Racism, 491 U.S. 781, 791 (1989) citing *Clark v. Community for Creative Non-Violence*, 468 U.S. 288, 293 (1984)

The above formulation is not consistent with Michigan zoning law doctrine, which, although subject to the due process and equal protection guarantees of the Fourteenth Amendment, generally requires that there be a reasonable governmental interest being advanced by the regulation. See *Charter Township of Delta v*

Dinolfo, 419 Mich 253, 268 (1984). To this end, the only clear reference to the zoning power is the grant to municipalities to reduce the separation distance between marihuana establishments and pre-existing public and private schools providing K-12 education from 1000’ to a lesser distance.

A municipality’s authority to authorize designated areas and special events for the consumption of marihuana holds the potential to give rise to specialty businesses such as in California, where restaurants make marihuana-infused food and drinks available to diners.

At Section 6.5, the MRTMA specifically precludes a municipality from prohibiting the transportation of marihuana through the municipality, or prohibiting the co-location of a grower, processor, or retailer from operating within a single facility or a shared location with a facility holding a license under the MMFLA. This latter prohibition raises the question whether communities that have opted in to the MMFLA, and where a medical marihuana facility is operating, may opt out of the MRTMA, since the proposed Act at Section 17 provides that it is to be “broadly construed to accomplish” the purposes set forth under the Act.

If a municipality limits the number of establishments that may be licensed, and such limitation prevents LARA from issuing a state license to all applicants who otherwise meet the requirements for the issuance of a license, the MRTMA provides that “the municipality shall decide among the competing applications by competitive process intended to select applicants who are best suited to operate in compliance with the act within the municipality.” MRTMA § 9.4. This provision raises the Pandora’s Box that confronted municipalities that attempted to cap the number of licenses issued under the MMFLA. Any competitive process that seeks to determine who is best suited, inherently has a subjective component that may expose the municipality to legal challenges based on alleged due process violations by the

municipality from unsuccessful applicants asserting that the process employed was unfair on its face or unfairly administered. While there may be good reasons to limit the number of recreational marijuana establishments, any community that chooses to do so should be prepared to defend itself from challenges by unsuccessful applicants.

A municipality may adopt an ordinance requiring that marijuana establishments located within its boundaries obtain a municipally-issued marijuana establishment license; but the annual fee for such a license is limited to \$5,000 and any qualifications for licensure may not conflict with the MRTMA or rules promulgated by LARA pursuant to the Act.

What limitations on the State are applicable to municipalities?

According to the proposal, a State rule may not be unreasonably impracticable, or limit the number of any of the various types of licenses that may be granted, or require a customer to provide a retailer with identifying information other than to determine a customer's age or acquire personal information other than that typically required in a retail transaction. MRTMA §8.3.

The State is required to issue a license under the Act if the municipality does not notify LARA that the proposed establishment is not in compliance with a local ordinance and if the proposed location is not within an area "zoned exclusively for residential use and not within 1000 feet of a pre-existing public or private school providing K-12 education." A municipality is authorized to reduce the 1000' separation from a school requirement. MRTMA §9.3.

Additionally, the grounds for disqualifying a license applicant based on a prior controlled substance conviction is much reduced under

the MRTMA than under the MMFLA. An applicant for a medical marijuana facilities license is disqualified if they have any of the following:

- a felony conviction or release from incarceration for a felony within the past 10 years;
- a controlled substance-related felony conviction within the past 10 years; or
- a misdemeanor conviction involving a controlled substance, theft, dishonesty, or fraud within the past five years.

In contrast, under the MRTMA any prior conviction solely for a marijuana offense does not disqualify or affect eligibility for licensure unless the offense involved distribution to a minor. Thus, persons convicted of trafficking in large amounts of marijuana would be eligible for a municipal marijuana establishment license. MRTMA §8.1(c).

Additionally, LARA is precluded from issuing a rule and municipalities may not adopt an ordinance requiring a customer to provide a marijuana retailer with any information other than identification to determine the customer's age. MRTMA §8.3(b). In this regard, the MRTMA provides an affirmative defense to marijuana retailers who sell or otherwise transfer marijuana to a person under 21 years of age if the retailer reasonably verified that the recipient appeared to be 21 years of age or older by means of government issued photographic identification containing a date of birth. MRTMA §10.2.

There are also limitations on holding ownership interests in different types of facilities. Owners of a safety compliance facility or secure transporter may not hold an ownership interest in a grower or processor or retailer or microbusiness establishment. The owner of a microbusiness may not hold an interest in a grower or processor or retailer safety compliance for secure transporter establishment. And a person may not hold an interest in more than five marijuana growers or more than one microbusiness, unless after January 1, 2023 LARA issues a rule permitting otherwise. MRTMA §9.3.

Finally, for the first 24 months after LARA begins accepting applications for licensure, only persons who are residents of Michigan may apply for a Class A grower or microbusiness license; and to be eligible for all other licenses, persons must hold a State operating license pursuant to the MMFLA. MRTMA §9.6.

What if the State fails to act in a timely fashion?

If the State does not timely promulgate rules, despite the Act not providing when those must be issued, or accept or process applications within 12 months after the effective date of the Act, an applicant may submit an application for establishment directly to the municipality where the business will be located. MRTMA §16. A municipality must issue a license to the applicant within 90 days after receipt of the application unless the municipality determines that the applicant is not in compliance with an ordinance or rule adopted pursuant to the Act. If a municipality issues a license, it must notify the department that the license has been issued. That municipal license will have the same force and effect as a State license, but the holder will not be subject to regulation or enforcement by the State during the municipal license term. It is unclear whether, if the State puts in place a licensing system during the term of a municipal license, the establishment can be required to seek State licensure or is merely required to renew the license with the municipality.

Municipality as an employer or landlord

The MRTMA does not require that an employer permit or accommodate conduct otherwise allowed by the Act in the workplace or on the employer's property. The Act does not prohibit an employer from disciplining an employee for violation of a workplace drug policy or for working while under the influence of marijuana. Nor does the Act prevent an employer from refusing to hire a person because of that person's violation of a workplace drug policy. MRTMA §4.3. In this regard, the statute appears to codify the holding of *Casias v. Wal-Mart Stores, Inc.*, 764 F Supp 2d 914 (WD Mich 2011) *aff'd*, 695 F3d 428 (6th Cir 2012) permitting an employer to discharge an employee who, as a registered patient under the MMMA, used marijuana outside of work hours, was not under the influence while at work, but tested positive after suffering an injury while at work.

To the degree that a municipality provides housing and therefore acts as a landlord, the MRTMA permits the lessor of property to prohibit or otherwise regulate the consumption, cultivation, distribution, processing, sale, or display of marijuana and marijuana accessories on leased property, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marijuana by means other than smoking. MRTMA §4.4.

Municipal share of Marijuana Excise Tax Fund

Under the terms of the MMFLA, municipalities (cities, villages, and townships) in which a medical marijuana facility is located, get a pro rata share of 25 percent of a medical marijuana excise fund created by the imposition of a 3 percent tax on gross retail sales at provisioning centers. However, under the terms of the

MMFLA, if a law authorizing the recreational or nonmedical use of marihuana is enacted, the tax on medical marihuana sales sunsets 90 days following the effective date of the new law. MCL 333.27601.

The MRTMA seeks to fill the gap created by the loss of the 3 percent excise tax under the MMFLA by creating a marihuana regulation fund through the imposition of a 10 percent excise tax (which would be in addition to the 6 percent sales tax) on the sales price of marihuana sold or otherwise transferred by a marihuana retailer or microbusiness to anyone other than another marihuana establishment. However, the sale to be allocated to municipalities is reduced to 15 percent, and before any money is provided to cities, villages, and townships in which a marihuana retail store or microbusiness is located, the State is made whole for its implementation, administration, and enforcement of the Act—and until 2022 or for at least two years, \$20 million from the fund must be annually provided to one or more clinical trials approved by the FDA that are researching the efficacy of marihuana in the treatment of U.S. armed services veterans and preventing veteran suicide. MRTMA §14.

The net effect for municipalities could result in more money under the MRTMA than under the MMFLA. This is because: a) the tax rate levied is over three times higher under the MRTMA (10 percent v. 3 percent); b) there is a larger pool of potential consumers (registered patients and caregivers v. all persons aged 21 and older); and c) the allocation to municipalities under the MRTMA is based on the number of marihuana retail stores and micro businesses as opposed to all types of marihuana facilities under the MMFLA. However, this does not take into account that if a municipality does not permit recreational marihuana retail establishments, it will not receive any revenue under the either the MMFLA or MRTMA, but will still have to deal with the social consequences of marihuana use that it may not prohibit under the new law.

The following table illustrates the differences between the two statutory approaches based on assumption of \$1 billion in sales, State expenses being recouped by applicable fees, a municipality having one percent of the total number of medical marihuana facilities or recreational retail businesses.

	MMFLA	MRTMA
Total Annual Retail Sales	\$1,000,000,000	\$1,000,000,000
Applicable Excise Tax Rate	3 percent	10 percent
Amount of Excise Tax Fund	\$30,000,000	\$100,000,000
Less Allocation for Veterans' Health Research	0 \$30,000,000	-\$20,000,000 \$80,000,000
Percentage Allocated to Municipalities	25 percent	15 percent
Percentage Allocated to Municipalities	25 percent	15 percent
Amount Available for Municipalities	\$7,500,000	\$12,000,000
1 percent of facilities or retail establishments in municipality	\$75,000	\$120,000

In what appears to be a blatant attempt to convince voters to approve the MRTMA, 35 percent of the marihuana regulation fund will be allocated to the school aid fund for K-12 education and another 35 percent to the Michigan transportation fund for the repair and maintenance of roads and bridges. Unlike the MMFLA, which allocated 15 percent split equally (5 percent each) between county sheriffs where a marihuana facility was located, the Commission on Law Enforcement Standards for Officer Training, and to the State Police, there is no allocation directly to law enforcement purposes under the MRTMA.

Conclusion

As challenging as it was for municipalities to come to grips with medical marihuana regulation under the MMFLA, the difficulties posed by the proposed MRTMA regarding recreational marihuana are likely to be significantly greater. Under the MMFLA, many municipalities took a “wait and see” position on the issue of broad commercialization of medical marihuana, and in doing so, only required that the governing body of the municipality do nothing. And for those municipalities that chose to “opt in,” the MMFLA granted them a great deal of regulatory discretion, which some representatives of the marihuana industry have called “onerous” [Langwith, “Local Overreach,” 97 Mich B J 36, 37 (August 2018)], so as to reasonably safeguard the public safety health and welfare.

The MRTMA on the other hand, requires a municipality to affirmatively take legislative action to “opt out” of regulating recreational marihuana commercial enterprises. For those municipalities that choose to permit recreational marihuana establishments to exist in the community, the regulatory framework is much more circumscribed than under the MMFLA, and is certainly more likely to raise

legal issues. Fortunately, commercialization of recreational marihuana is at least a year away should the ballot proposal to legalize marihuana be adopted; and, by that time, the State regulatory framework for medical marihuana will have been in place for nearly two years.

Apart from the commercialization of recreational marihuana, municipal law enforcement officials and officers may be required to know the new rules surrounding “legalized” marihuana within days of the election. At a minimum, county and municipal prosecutors should be ready to provide training on the law in early November. It is also likely that defendants who committed marihuana offenses prior to November 6 will seek dismissal of those charges should voters approve the ballot proposal.

In the meantime, municipal attorneys would be well-advised to read through the initiated statute more than once and be prepared to advise their clients of the significant ramifications of legalized marihuana on local governmental and social services.





michigan municipal league



'TIS THE SEASON

Planning for Northwest Michigan's Seasonal Economy

Traffic, population, business activity, agriculture: in Northwest Michigan, it all comes and goes with the seasons. With an economy tied to agriculture and tourism, communities throughout the region must account for seasonal activity when budgeting and planning for services, transportation, public safety, and workforce housing.

- How can we plan for large seasonal populations on small year-round budgets?
- How do we accommodate ever-fluctuating needs for workforce housing, transportation, and public safety?
- What are the costs, benefits, and impacts of tourism and a seasonal economy?

TIS THE SEASON: PLANNING FOR NORTHWEST MICHIGAN'S SEASONAL ECONOMY will begin a regional conversation about these issues and more!

DECEMBER 3, 2018

9 am - 4 pm

Hagerty Conference Center
Traverse City, MI

Register Online:

nwm.org/lugsummit

\$45 Early Bird registration through November 16

\$55 Registration ends November 26

**LOCAL GOVERNMENTS AND OTHER
COMMUNITY LEADERS ARE INVITED
TO LEARN ABOUT AND DISCUSS:**

- The tourism "life cycle"
- Costs, benefits, and impacts of tourism and a seasonal economy
- Sustainable tourism concepts and models
- Planning and zoning for agriculture tourism and short-term rentals
- Trends in entertainment- and alcohol-oriented tourism
- Transportation planning for year-round residents and tourists



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CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, October 8, 2018 - 6:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

A. Call to Order

The meeting was called to order at 6:00 p.m. by Chair Chamberlain.

B. Roll Call

Chair: Sherm Chamberlain

Members Present: Ben Edwards, Toni Felter, Brian Gelb, Rick Golding, Jennifer Muladore, Phillip Parr, RJ Waddell

Members Absent: Dennis Halverson

Staff Present: Kathy Egan, Community Planner Networks Northwest

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

Motion by Member Waddell, second by Member Felter to approve the agenda as presented. Motion passed by unanimous voice vote.

E. Approval of the September 10, 2018 Minutes

Motion by Member Waddell, second by Member Gelb to approve the minutes of September 10, 2018 as presented. Motion passed by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. New Business

1. R-2 District Walking Tour

Planner Egan stated that the point of the tour was not to focus on existing zoning or what is allowed, but “what could be and what fits and what doesn’t”. She encouraged members to look at parking and access as well. At 6:06 p.m. the Planning Commission, Planner, and one member of the public left City Hall and walked around the neighborhood, following the path that was outlined on the map in the meeting packet. They looked at various aspects such as parcels sizes, shapes, and setbacks; building uses, sizes, and character; and parking and sidewalk infrastructure.

2. Reconvene in Council Chambers for Discussion.

The Planning Commission returned to City Hall Council Chambers at 6:45 p.m. Chair Chamberlain stated that the tour was a good chance to let everyone know how some of the properties in the downtown area are being used. He stated that it was R-2 zoning, but basically there were numerous buildings that were not R-2 structures and so the big question was should they come up with rules and regulations for converting residential homes to workforce housing, but not summer rentals. Discussion followed regarding the different approaches to housing types and rental properties, the Charlevoix Housing Authority, non-conforming uses within the subject area, workforce housing possibilities, minimum square footage versus number of units, and the need for sidewalks. Planner Egan stated that she would bring back something more formal for the Commission to discuss at the next meeting.

H. Old Business

I. Staff Updates

Planner Egan stated that City Council will address housekeeping amendments to the Zoning Ordinance on October 15th.

J. Request for Next Month’s Agenda or Research Items

K. Adjournment by 8:00 PM Unless Extended by Motion

Motion by Member Edwards, second by Member Gelb to adjourn the meeting. Motion passed by unanimous voice vote. Meeting adjourned at 7:11 p.m.

Joyce M. Golding/fgm

City Clerk

Sherm Chamberlain

Chair